

CITY of LA GRANDE
City Council Regular Session
Wednesday, April 5, 2023

Council Chambers
La Grande City Hall
1000 Adams Avenue

AGENDA

The meeting will be available for viewing via the City's scheduled Charter Communications channel 180 that will begin at 6:00 p.m. on April 5, 2023, on the EO Alive website at <https://eoalive.tv> or on the EO Alive.TV Facebook page at <https://www.facebook.com/EOAliveTV>.

1. WELCOME to this REGULAR SESSION of the LA GRANDE CITY COUNCIL

- a. Call to Order
- b. Pledge of Allegiance
- c. Roll Call

- The City of La Grande City Council will meet in Executive Session pursuant to ORS 192.660 (2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations.

2. AGENDA APPROVAL

3. CONSENT AGENDA

The Consent Agenda includes routine items of business which may be approved by one Motion of the Council. Any Councilor so desiring may by request remove one or more items from the Consent Agenda for Individual consideration under the Unfinished or New Business portion of the Agenda.

- a. **Consider:** Approving Regular Session Minutes; March 1, 2023

4. PUBLIC COMMENTS

Those individuals who wish to address the Council in connection with any item which is printed on tonight's Agenda may do so during the time that item is under discussion by the Council. Individuals wishing to speak to the Council about non-Agenda items may do so during this Public Comments portion of the Agenda. Please print your name and address on the Public Comments Sign-in Sheet, located on the podium. When addressing the Council, speak loudly and clearly into the Podium microphone, and state your name. Persons interested in providing virtual public comments shall contact City Staff at sstockhoff@cityoflagrande.org or by calling the City Recorder at (541) 962-1309 not later than 5:00 pm the day prior to meeting to make arrangements. In the event the Mayor does not announce a time limit for comments, each speaker is asked to confine their comments to three minutes in length, whether the comments are in-person or virtual.

- a. Tree City USA Awards & Arbor Month Events Announcement [Gustafson]

5. PUBLIC HEARINGS

- a. **Consider:** Ordinance; Second Reading: Regulating Conduct in City Parks [Spence]
- b. **Consider:** Ordinance; Second Reading: Rezoning Property - Interchange Commercial to General Commercial [Boquist]
- c. **Consider:** Ordinance; First Reading: Adopting Final Local Improvement District Assessments [Carpenter]

6. UNFINISHED BUSINESS

7. NEW BUSINESS

- a. **Consider:** Awarding Bid for the Headworks Improvements – 2023 Project [Carpenter]
- b. **Consider:** Approving Intergovernmental Agreement for City of La Grande's Natural Hazards Mitigation Plan Update [Carpenter]

8. UNION COUNTY COMMISSIONER'S UPDATE

9. STAFF COMMENTS

10. CITY MANAGER COMMENTS

11. CITY COUNCIL COMMENTS

12. RECESS to EXECUTIVE SESSION

13. RECONVENE REGULAR SESSION

- a. Consider: Ratifying Collective Bargaining Agreement; Employees Association [Strope]

14. ADJOURN to URBAN RENEWAL AGENCY

Stacey M. Stockhoff
City Recorder

The City Council is currently scheduled to meet again in a Regular Session on Wednesday, May 3, 2023 at 6:00 p.m. The City Council of the City of La Grande reserves the right to convene an Executive Session for any purpose authorized under ORS 192.660. Persons requiring special accommodations who wish to participate in the City Council Meeting are encouraged to make arrangements prior to the meeting by calling 541-962-1309. The City of La Grande does not discriminate against individuals with disabilities.

CITY of LA GRANDE

COUNCIL ACTION FORM

Council Meeting Date: **April 5, 2023**

PRESENTER: Robert A. Strobe, City Manager

COUNCIL ACTION: CONSIDER CONSENT AGENDA

- 1. MAYOR: Request Staff Report
- 2. MAYOR: Entertain Motion

Suggested Motion: I move we accept the Consent Agenda as presented.

OR

Suggested Motion: I move we accept the Consent Agenda as amended.

- 3. MAYOR: Invite Council Discussion
- 4. MAYOR: Ask for the Vote

EXPLANATION: A Consent Agenda includes routine items of business with limited public interest, which may be approved by one Motion of the Council. Any Councilor may, by request, remove any item of business from the Consent Agenda.

- a. **Consider:** Approving Regular Session Minutes; March 1, 2023

Reviewed By: (Initial)

City Manager _____

City Recorder _____

Aquatics Division _____

Building Department _____

ED Department _____

Finance _____

Fire Department _____

Human Resources Dept _____

Library _____

Parks Department _____

Planning Department _____

Police Department _____

Public Works Department _____

COUNCIL ACTION (Office Use Only)

- Motion Passed
- Motion Failed; _____
- Action Tabled: _____
Vote: _____
- Resolution Passed
Effective Date: _____
- Ordinance Adopted
First Reading: _____
Second Reading: _____
Effective Date: _____

CITY of LA GRANDE
City Council Regular Session

March 1, 2023

**Council Chambers
La Grande City Hall
1000 Adams Avenue**

MINUTES

COUNCILORS PRESENT:

Justin Rock, *Mayor*
David Glabe, *Mayor Pro Tem*
Corrine Dutto, *Councilor*
Nicole Howard, *Councilor*
Mary Ann Miesner, *Councilor*
Denise Wheeler, *Councilor*

COUNCILORS ABSENT EXCUSED:

Molly King, *Councilor*

STAFF PRESENT

Robert Strope, *City Manager*
Hannah Lehner, *Assistant to the City Manager*
Stacey Stockhoff, *City Recorder*
Gary Bell, *Police Chief*
Timothy Bishop, *Economic Development Director*
Michael Boquist, *Community Development Director*
Carrie Bushman, *Library Director*
Kyle Carpenter, *Public Works Director*
Emmitt Cornford, *Fire Chief*
Cari Markham, *Human Resource Specialist*
Heather Rajkovich, *Finance Director*
Stu Spence, *Parks and Recreation Director*

**CALL TO ORDER/PLEDGE OF ALLEGIANCE/
ROLL CALL/AGENDA APPROVAL**

Mayor ROCK called to order this Regular Session of the Council at 5:59 p.m. Roll Call was taken and a quorum was determined to be present.

Mayor ROCK announced that the City Council would meet in Executive Session pursuant to ORS 192.660 (2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations.

CONSENT AGENDA

- a. **Consider:** Approving Regular Session Minutes; *February 1, 2023*
- b. **Consider:** Ratifying MOU Between City and IAFF Local 924; Extending Response Distance

The following Motion was introduced by DUTTO; HOWARD providing the Second:

MOTION

MOTION: I move that we accept the Consent Agenda as presented.

VOTE

MSC: 6-0 (Yes: ROCK, GLABE, DUTTO, HOWARD, MIESNER, and WHEELER; No: None)

PUBLIC COMMENTS

Nick VORA, Union County Emergency Manager, informed City Councilors and the public on the Air Quality Community Response Plan Grant draft, funded by the Oregon Department of Environmental Quality (DEQ) and written by Willy CRIPPEN, Coordinator from Northern Blues Cohesive Strategy. VORA noted the County had worked with local agency partners: Center for Human Development (CHD), Kyle CARPENTER, City of La Grande Public Works Director, and United States Forest Service. With those partners, a community response plan (CRP) was developed for air quality impact from smoke caused by wildland and prescribed fire. The plan identified smoke vulnerable populations in Union County, actions that mitigate impact, described smoke sources and it would establish structure for public air quality notification. Additionally, the CRP included increased landscape resilience, thereby reducing risk to residents, infrastructure and local economies.

Willy CRIPPEN, Oregon Department of Forestry Coordinator from Northern Blues Cohesive Strategy, echoed VORA's commitment towards the approved CRP. CRIPPEN addressed future steps in the CRP that could include, at the discretion of the City of La Grande, the ability to apply for waivers to existing DEQ requirements which would restrict smoke-generating activities on public and private lands in Union County.

MIESNER requested details on where air quality readings were taken, to which CARPENTER stated he believed the readings were taken from the Willow Street air quality location.

GLABE asked for clarification that if the City applied for a waiver, it would be directed towards prescribed burns to prevent more egregious wildfire situations. CRIPPEN confirmed that the goal from land management agencies was to leverage prescribed burns in the prevention of wildfires. GLABE asked what actions were requested of the Council, to which CRIPPEN clarified future actions of the Council could include one-hour smoke exemption requests from the DEQ.

Denise WHEELER asked if the plan included notification efforts to residents regarding air quality readings. CRIPPEN confirmed public communication would be a large part of the overall CRP plan. He also noted Baker and Wallowa County already have similar CRP plans completed.

Nelson TRACEY expressed his gratitude towards the City of La Grande and residents for their hospitality during the filming of "*Breakup Season*." Mayor ROCK thanked TRACEY for coming to the community. MIESNER noted she was glad it snowed during filming.

Sheriff Cody BOWEN presented the Councilors with two (2) proposals from Mackenzie. Each in reference to a proposed Union County Public Safety Facility; a copy of which is now a permanent document in the master file for this Regular Session and by this reference incorporated herewith as if fully set forth. BOWEN expressed concern for actions taken by the City to move forward without the County for a separate police station rather than a joint facility that included the Jail, Union County Sheriff's Office and the La Grande Police Department. BOWEN expressed caution for building a City only police facility in downtown La Grande, noting that focusing on just the City portion would not be in the best interest of the tax payers or the residents of Union County.

Wally WALLER, La Grande Rotary Club, invited the community to attend the 8th Annual Daddy Daughter Dance on Saturday, March 4, 2023, sponsored by the La Grande Rotary Club, located at Central School with the theme Enchanted Fairy Forest.

Matt CARPENTER, citizen of La Grande, requested consideration from the Councilors on potential legislation limiting the expansion of the Warming Shelter in his neighborhood. CARPENTER, while not denying a warming shelter was needed, believed if the Council imposed the proposed legislation limitation for usage on the shelter, it would encourage the warming shelter to relocate outside of residential communities.

PUBLIC HEARINGS

- a. **Consider:** Ordinance; First Reading:
Regulating Conduct in City Parks

RULES OF ORDER

Mayor ROCK announced that the Public Hearing was open at 6:28 p.m. and asked City Recorder STOCKHOFF to read the Rules of Order in their entirety.

STAFF REPORT

Mayor ROCK requested the Staff Report.

Stu SPENCE, *Parks and Recreation Director*

SPENCE recapped that after the adoption of Ordinance 3259 Series 2023 - Regulating Camping on Public Property and Prohibiting Camping in Certain Areas, the Parks and Recreation staff worked with the Police Department and the Parks and Recreation Advisory Commission to make changes to the Parks Rules Ordinance to bring it into compliance with Oregon HB 3115 (2021), State and Federal law. The Commission also took the opportunity to add recommended language prohibiting alcohol in parks and increasing the trespass penalties based on recent and previous experience.

SPENCE noted he had received phone calls from citizens expressing enforcement concerns specifically at Morgan Lake. **SPENCE** clarified no provisions were made inversely to the Ordinance for Morgan Lake.

HOWARD questioned if it was the intent of the Ordinance to permit hooved animals at Morgan Lake, to which **SPENCE** confirmed that specific language of the Ordinance was unchanged. There have not been any problems with hooved animals at Morgan Lake that he was aware of.

MIESNER noted the Ordinance prohibited hooved animals at Riverside Park, to which **SPENCE** confirmed that specific language of the Ordinance was unchanged. **DUTTO** added that in the Ordinance, it does state certain exceptions could be authorized by the Director.

GLABE spoke in favor for prohibiting alcohol in City parks, to which **SPENCE** clarified that the added language gave the Police Department more tools to enforce the rules if someone was acting inappropriately.

PUBLIC TESTIMONY

None

COUNCIL DISCUSSION

DUTTO supported the updates to the Ordinance.

Upon Mayor **ROCK**'s request, City Recorder **STOCKHOFF** read the proposed Ordinance for the first time by title only.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, REGULATING CONDUCT IN THE CITY PARKS OF LA GRANDE, OREGON; SETTING OPERATING POLICIES; PROVIDING PENALTIES; AND REPEALING ORDINANCE NUMBER 3237, SERIES 2017; AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EFFECTIVE DATE.

Mayor ROCK announced that the Public Hearing would be continued to April 5, 2023, at which time the proposed Ordinance was scheduled to be read a second time by title only and considered for Adoption.

- b. Consider: Ordinance; First Reading:
Rezoning Property - Interchange
Commercial to General Commercial

RULES OF ORDER

Mayor ROCK announced that the Public Hearing was open at 6:35 p.m. and asked City Recorder STOCKHOFF to read the Rules of Order in their entirety.

DECLARATION

MIESNER stated she had visited the site, but did not speak to anyone.

CHALLENGES

None

STAFF REPORT

Mayor ROCK requested the Staff Report.

Michael BOQUIST, *Community Development Director*

BOQUIST stated the rezone was submitted in partnership by Kaiger Braseth (property owner) and the City of La Grande. The purpose of the rezone request was to encourage and support the revitalization of underutilized properties by expanding the allowed uses that may be developed through rezoning to General Commercial; and, to address conflicts with nonconforming uses such as dwellings, local retail stores, contractor businesses, and warehouse uses which were not permitted in the Interchange Commercial zone. Such conflicts would be resolved through rezoning the proposed properties to General Commercial which more appropriately fit the uses that exist on the affected properties and the overall character of the surrounding area.

BOQUIST noted the proposed rezoning included the entire block bound by Albany Street, East R Avenue, 21st Street and East Q Avenue.

BOQUIST added the Planning Commission held a public hearing to consider this request on February 14, 2023. No public testimony was submitted and by unanimous vote, the Planning Commission recommended approval to the City Council.

MIESNER asked for clarification on the grandfathered properties, to which BOQUIST noted the only property that was currently in conforming use was the Sandman Hotel. All other properties were currently grandfathered in and would become legal conforming uses with the rezone.

GLABE questioned how the rezoning would impact two (2) residential properties on the map, to which BOQUIST shared the rezoning impact on the residential homes would change them from non-conforming to conforming and allow for either residential or commercial office space use. GLABE inquired on the owners intended development purpose, to which BOQUIST responded the intent would be redevelopment and modernization.

PUBLIC TESTIMONY

Roxie OGILVIE spoke in support of the rezoning, noting that without rezoning the residential property, owners would not have the opportunity for commercial space. Adding the rezone would not impact their ability to remain residential.

COUNCIL DISCUSSION

None

Upon Mayor ROCK's request, City Recorder STOCKHOFF read the proposed Ordinance for the first time by title only.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, REZONING PROPERTY FROM INTERCHANGE COMMERCIAL TO GENERAL COMMERCIAL ON THE ZONING MAP; AND DECLARING AN EFFECTIVE DATE.

Mayor ROCK announced that the Public Hearing would be continued to April 5, 2023, at which time the proposed Ordinance was scheduled to be read a second time by title only and considered for adoption.

UNFINISHED BUSINESS

None

NEW BUSINESS

- a. **Consider:** Resolution; Authorizing Application for Grant for a Pump Track at Pioneer Park

STAFF REPORT

Mayor ROCK requested the Staff Report.

Stu SPENCE, *Parks and Recreation Director*

SPENCE stated the City has been working with the Blue Mountain Single Track Trails Club for a few years now. The Club initially came to the Parks and Recreation Advisory Commission (PRAC) with a request to build a pump track adjacent and to the East of the skate park in Pioneer Park. The Commission supported that idea as long as the group raised enough local match dollars (about 40% of the project) that enabled the City to apply for the grant. Sean Lerner attended the February PRAC Meeting reporting that the group had raised enough money and in-kind contributors to meet the 40% criteria. Although much of this funding would come from the

Club and local contributors, it would be a City-led project working with the Club and contractors. The action presented to the Council was to approve the application and authorize the City Manager to accept the grant and sign all required documents.

MIESNER asked who would be responsible for maintenance of the pump track, to which SPENCE responded the City would have maintenance responsibilities. Sharing additional support opportunities were available from the Blue Mountain Single Track Trails Club, if needed. SPENCE added to reduce seasonal maintenance, AstroTurf would be installed in areas inaccessible by maintenance equipment.

GLABE inquired if the trees would be replanted, to which SPENCE confirmed reforestation efforts would be required by the Urban Forester. He also explained that there were only a few areas that the trees would need to be replanted.

DUTTO queried if the City would incur monetary cost associated with the pump track. SPENCE communicated, due in part to the type of grant funding, the City was required to be the grant applicant. The pump track would necessitate staff time for excavation, irrigation line maintenance and the like, noting it was a significant undertaking, but no City funding had been budgeted for the track.

PUBLIC COMMENTS

Wally WALLER spoke in favor of the pump track, remarking consideration be given to ADA accommodation opportunities.

COUNCIL DISCUSSION

HOWARD shared her active involvement with the Blue Mountain Single Track Trails Club, stating she had written many of the grants. HOWARD expressed she did not benefit from her involvement, other than as an end user of the pump track. She declared her intention to vote on the motion.

MIESNER noted it would be great to have more activities for young people in the community.

MOTION

The following Motion was introduced by GLABE; HOWARD providing the second.

Motion: I move that the proposed Resolution authorizing the City Manager to sign the grant application for a Pump Track be Read by Title Only, Put to a Vote and Passed as presented and that the City Manager be authorized to accept the grant and sign any related documents, if awarded.

COUNCIL DISCUSSION

None

Upon Mayor ROCK's request, City Recorder STOCKHOFF read the proposed Resolution by Title Only.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, AUTHORIZING CITY OF LA GRANDE PARKS AND RECREATION DEPARTMENT STAFF TO APPLY FOR A LOCAL GOVERNMENT GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR THE CONSTRUCTION OF A PUMP TRACK AT PIONEER PARK; AUTHORIZING CITY MANAGER ROBERT A. STROPE TO SIGN THE GRANT APPLICATION AND ANY DOCUMENTS RELATED TO ACCEPTING THE GRANT IF AWARDED [4831].

VOTE

MSC: 6-0 (Yes: ROCK, GLABE, DUTTO, HOWARD, MIESNER and WHEELER; No: None)

- b. Consider: Partnership; Support in La Grande School District Tiger House Project

STAFF REPORT

Mayor ROCK requested the Staff Report.

Michael BOQUIST, *Community Development Director*

BOQUIST shared the La Grande School District (LGSD) had recently established a new career tech program through the La Grande High School, called the *Tiger Home Construction Program*. The program partnered with local leaders in the construction industry to educate and teach high school students the technical skills necessary to be successful with a career path in construction. The program was designed to construct one or more new homes during the program cycle, with the homes being sold upon completion and the proceeds used to fund the continuation of the program and the construction of additional homes in following years.

BOQUIST communicated the City of La Grande had been asked to be a partner in supporting the program by reducing or waiving City permitting and development fees that would be charged for the 3rd Street project. City staff was supportive of this program and was thankful that the LGSD had asked them to be a partner in their first project.

BOQUIST noted in consideration of a fee waiver or reduction, the City had a "no fee waiver" policy. However, exceptions were allowed subject to the City Council's approval. Historically, fees have been reduced or waived for other partnering agencies (e.g. County) whom also waive fees that would typically be charged to the City, or for City

partnering projects. LGSD had waived fees for the City of La Grande in the past. In this case, the Tiger House Project also aligned with the City's Housing Needs Analysis (HNA) which identified a significant housing need for lower income households, both rental and ownership. The HNA also encouraged the City to enter into public/private partnerships and to offer incentives to encourage the development of new needed housing. As such, City staff recommended that the City Council consider supporting the project as a partner and offering an incentive through a fee reduction or waiver.

BOQUIST stated staff had estimated that the land use/zoning, building permit and water/sewer connection fees for the Tiger House Project (2 duplexes/4 dwellings) would amount to approximately \$28,800. Staff recommended that all land use fees, all building permitting fees (except the State Surcharge fee), and all Public Works water and sewer connection fees be waived (estimated at \$26,063) as the City's partnership contribution. The only fees that would be charged for the project would include the Parks System Development Charge (SDC) fees and the Building Permit State Surcharge fees. The Parks SDC fees had not been reduced or waived in the past for other subsidized housing projects within the City, and the State Surcharge Fee would be a cost that must be paid to the State regardless of the City's decision to waive fees. As a result, Staff did not recommend the waiver of these two (2) fees.

MIESNER inquired if the property would remain on the tax roll, to which BOQUIST confirmed that would be the intent upon the sale of the property by the school.

WHEELER expressed concern for liability in the event a student became injured during construction. BOQUIST speculated liability would fall on the school. WHEELER asked who specifically came to the City with the project request to which BOQUIST stated George Mendoza, La Grande School District Superintendent, made the original proposal.

Both WHEELER and MIESNER agreed that this project was a positive activity for teaching a trade to young adults.

GLABE asked for clarification that the Council was only approving this single project and if the school made a future request similar to this, they would come back to the Council with a separate proposal, to which BOQUIST confirmed that was correct. STROPE provided clarification that the Council was not approving the Tiger House Project itself, but solely approving the City fee waiver portion only.

PUBLIC COMMENTS

None

COUNCIL DISCUSSION

MIESNER shared she thought it would be a great program to teach student skills they might not receive otherwise.

The following Motion was introduced by MIESNER; GLABE providing the Second:

MOTION

MOTION: I move that the City of La Grande provide partnership support to the La Grande School District Tiger House Project, by waiving approximately \$26,063 of City permitting and development fees.

COUNCIL DISCUSSION

None

VOTE

MSC: 6-0 (Yes: ROCK, GLABE, DUTTO, HOWARD, MIESNER, and WHEELER; No: None)

c. Consider: Resolution; Establishing a Lien on Real Property

STAFF REPORT

Mayor ROCK requested the Staff Report.

Michael BOQUIST, *Community Development Director*

BOQUIST reported beginning in March, 2022, the City of La Grande Police Department had received complaints regarding 1325 T Avenue, reporting excessive outdoor storage of garbage and people living in recreational vehicles. The City's Code Enforcement Officer initiated Code enforcement action, notifying the property owner (and heirs) via certified letter and visiting the property on multiple occasions to speak with the owner's sons about the violations and required actions to resolve the matter. Code enforcement action was continuous and ongoing through August, 2022, during which time three (3) citations were issued and filed with Municipal Court.

BOQUIST detailed that by late August, the volume of outdoor storage had significantly grown, generating odors and other nuisances that were adversely affecting many residences in the neighborhood. Due to the lack of cooperation and resolution by the property owner (or heirs), the Police Department and Planning Division moved forward with a City initiated nuisance abatement. This process was outlined in the City's Enforcement Ordinance 3203, Series 2012, which included notification to the property owner, posting the property with an abatement notice, the City hiring contractors to clean up the property, then billing the property owner for all costs incurred, then ultimately placing a lien on the property for any unpaid costs.

BOQUIST noted abatement was scheduled and occurred on September 27, 2022. Fenn's Towing removed and disposed of two (2) vehicles, one (1) car and one (1) motorhome, from the property; Waste-Pro removed six (6) 20-yard dumpsters of garbage (volume comparable to 10-12 dump truck loads) and cleaned the property of all tall grasses and weeds. The total cost for abatement amounted to \$9,228.10.

BOQUIST stated the property owner (Estate of Kelly Elliott) was provided an invoice for the abatement costs on January 12, 2023, and asked to submit payment by February 10, 2023. *(Note – The property owner was deceased and the property was in probate).* On January 26, 2023, the City Attorney notified the probate attorney for the Estate of Kelly Elliott, submitting a claim against the estate for the abatement costs.

BOQUIST requested that the City Council pass the proposed Resolution assessing the abatement costs to the property via a lien. The cost for recording the lien with the Union County Clerk would be added to the total cost of the lien, as would the cost of releasing the lien. The lien shall bear interest at the current statutory interest rate of eight percent (8%) until paid in full.

DUTTO inquired if there was anyone living at the home. BOQUIST confirmed residents were living there, along with squatters and some homeless. BOQUIST noted City abatement efforts continued to be ongoing with the property, adding a second abatement, which had already occurred, would be presented in the future.

MIESNER asked if there were additional liens on the property, to which BOQUIST stated he had not been made aware of any additional liens.

PUBLIC COMMENTS

Sherriff Cody BOWEN shared additional history on the referenced property. Adding the deceased homeowner had left the property to her two (2) sons. One son had removed himself from the property. The second son suffered from addiction and at this time, was currently undergoing treatment. BOWEN noted that one of the sons recently requested County support to assist with trespassing from transient population. Efforts remained ongoing but cost to maintain were adding up on the estate.

COUNCIL DISCUSSION

Mayor ROCK noted this was a big issue and expressed his gratitude for the efforts of Sherriff BOWEN and Chief BELL.

The following Motion was introduced by DUTTO; HOWARD providing the Second:

MOTION

MOTION: I move that the proposed Resolution establishing a lien for failure to pay the cost of abating a nuisance and land use violation on property located at 1325 T Avenue be read by Title Only, Put to a Vote and Passed.

COUNCIL DISCUSSION

None

Upon Mayor ROCK's request, City Recorder STOCKHOFF read the proposed Resolution by Title Only.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, ESTABLISHING A LIEN ON REAL PROPERTY FOR FAILURE TO ABATE OUTDOOR STORAGE NUISANCES AND LAND USE VIOLATIONS [4832].

VOTE

MSC: 6-0 (Yes: ROCK, GLABE, DUTTO, HOWARD, MIESNER, and WHEELER; No: None)

- d. **Consider:** Resolution; Accepting Sidewalk L.I.D. # 22-067 Final Study and Report; Establishing a Public Hearing Date

STAFF REPORT

Mayor ROCK requested the Staff Report.

Kyle CARPENTER, *Public Works Director*

CARPENTER stated Council established a City Wide Voluntary Sidewalk Local Improvement District for the year, 2022, during the May 4, 2022, City Council Regular Session Meeting. A Local Improvement District (L.I.D) offered property owners a way to improve their property and maintain existing sidewalks. The contract assisted in facilitating sidewalk repair work upon property owner request.

CARPENTER noted the 2022 Voluntary Sidewalk Local Improvement District Number 22-067 ended December 31, 2022, with the total cost of projects repaired under the L.I.D. being \$7,422.00. Staff monitored 685 square feet of sidewalk repairs and some associated repair and surface rehabilitation throughout the City of La Grande during 2022.

PUBLIC COMMENTS

None

COUNCIL DISCUSSION

None

The following Motion was introduced by HOWARD; MIESNER providing the Second:

MOTION

MOTION: I move that the Final Study and Report for the 2022 City Wide Voluntary Sidewalk Local Improvement District Number 22-067 be accepted and that the proposed

Resolution establishing a Public Hearing date be Read by Title Only, Put to a Vote and Passed.

COUNCIL DISCUSSION

None

Upon Mayor ROCK's request, City Recorder STOCKHOFF read the proposed Resolution by Title Only.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, ESTABLISHING A PUBLIC HEARING DATE FOR CITY WIDE VOLUNTARY SIDEWALK LOCAL IMPROVEMENT DISTRICT NUMBER 22-067 [4833].

VOTE

MSC: 6-0 (Yes: ROCK, GLABE, DUTTO, HOWARD, MIESNER, and WHEELER; No: None)

e. Consider: Authorizing Mayor to sign Audit Letter

STAFF REPORT

Mayor ROCK requested the Staff Report.

Heather RAJKOVICH, *Finance Director*

RAJKOVICH stated each year Council receives a copy of the audit which included a letter used to further clarify standards and provide guidance on communicating matters related to an entity's internal control over financial reporting identified in an audit of financial statements.

RAJKOVICH noted per the requirements of ORS 297.466, it was required that the governing body shall adopt a plan of action to address deficiencies within thirty (30) days after filing an audit report and provide a copy of the plan to the State. On February 27, 2023, the City's Auditor met with the City Council and Staff in a Work Session discussing the audit and planned corrective actions the City would take and complied with the requirement.

PUBLIC COMMENTS

None

COUNCIL DISCUSSION

None

The following Motion was introduced by DUTTO; GLABE providing the Second:

MOTION

MOTION: I move that we authorize the Mayor to sign the letter prepared to the State of Oregon Audit Division.

COUNCIL DISCUSSION

None

VOTE

MSC: 6-0 (Yes: ROCK, GLABE, DUTTO, HOWARD, MIESNER and WHEELER; No: None)

f. Consider: Appointing Citizen to Building Board of Appeals

STAFF REPORT

Mayor ROCK requested the Staff Report.

Justin ROCK, *Mayor*

ROCK noted the five-member Board established by Ordinance Number 3224, the Dangerous Building Ordinance. The purpose of the Board was to hear appeals of decisions of the Building Official regarding application of the various Building Codes and Ordinances. Board members should be individuals who have an interest in construction, issues facing the City of La Grande, and who were qualified by experience and training to decide matters pertaining to building construction. This Board only meets when there is an appeal.

ROCK shared that Mr. Gandy has not previously served on this Board, but he was currently serving on the Air Quality Commission.

ROCK noted there were no current seated members serving on this Board.

ROCK stated Staff has verified the applicant met residency requirements and was eligible to serve on the Board.

PUBLIC COMMENTS

None

COUNCIL DISCUSSION

None

The following Motion was introduced by ROCK; MIESNER providing the Second:

MOTION

MOTION: I move that Terrance Gandy be appointed to the Building Board of Appeals for the remainder of a four-year term, expiring December 31, 2026.

COUNCIL DISCUSSION

DUTTO inquired if this was a newly established board, to which STROPE stated no. He could not recall if there had been more than one appeal in the past few years, but that one potential appeal was resolved by the State before the Building Board of Appeals would have had to meet.

VOTE

MSC: 6-0 (Yes: ROCK, GLABE, DUTTO, HOWARD, MIESNER and WHEELER; No: None)

UNION COUNTRY COMMISSIONER UPDATE

Commissioner Matt SCARFO noted there was currently four thousand (4000) bills at the legislative level and requested any bills pertaining to La Grande be brought to his attention. SCARFO shared his optimism for Bill 2635, noting he was

asked to testify again and would be making several trips to Salem in the near future.

STAFF COMMENTS

CARPENTER shared he and Chief BELL had worked together on a resolution for comments made pertaining to Third Street and the Warming Shelter. The City determined adding an additional street light would provide adequate lighting to help address the concerns. Oregon Trail Electric Co-op (OTEC) would be completing the installation in the coming months. WHEELER questioned if the new light would be LED, to which CARPENTER confirmed all new lights installed were LED.

CARPENTER noted a public service announcement, regarding a scheduled water outage in La Grande. The replacement of a high-pressure valve system required the scheduled maintenance and would impact residents.

CITY MANAGER COMMENTS

STROPE shared an update on ongoing labor negotiations, noting current efforts with Fire and Employee Association were underway. Future plans included meetings with Police.

STROPE provided a suggestion to deviate from the evening's meeting agenda; recommending recessing the City Council meeting following Mayor comments and holding the Urban Renewal Agency Meeting (URA) before the City Council met in Executive Session, which pertained to labor negotiations. Following conclusion of the URA meeting, the Mayor would reconvene the City Council meeting so the Council could meet in Executive Session and since the Council would not be making a decision, they would adjourn immediately afterwards. This would avoid having the individuals in attendance and those watching the meeting online or on television having to wait until after the Executive Session to attend the Urban Renewal Agency Meeting. Mayor ROCK agreed with STROPE's recommendation.

CITY COUNCIL COMMENTS

DUTTO congratulated MIESNER on her Leadership Award from Oregon Main Street. DUTTO shared her appreciation for the City's Employee Banquet that she recently attended in February, 2023; noting the pleasantries of comradery and tenure among the City employees, to which GLABE echoed DUTTO's comments, expressing his compliments to the City Staff.

Mayor ROCK expressed his gratitude towards the group that organized the Employee Banquet.

RECESS

Mayor Rock recessed the City Council meeting at 7:24 p.m. to the Urban Renewal Agency Meeting.

RECONVENE

Mayor Rock reconvened the City Council meeting at 8:00 p.m.

There being no further business to come before this Regular Session of the Council, Mayor ROCK adjourned the meeting to the Executive Session at 8:01 p.m. The Council is scheduled to meet again in Regular Session on Wednesday April 5, 2023, at 6:00 p.m., in the Council Chambers of City Hall, 1000 Adams Avenue, La Grande, Oregon.

Hannah Lehner
Assistant to the City Manager

Justin B. Rock
Mayor

APPROVED: _____

CITY of LA GRANDE

COUNCIL ACTION FORM

Council Meeting Date: **April 5, 2023**

PRESENTER:

Stu Spence, Parks & Recreation Director

COUNCIL ACTION:

PUBLIC HEARING AND SECOND READING BY TITLE ONLY OF PROPOSED ORDINANCE REGULATING CONDUCT IN CITY PARKS

1. MAYOR: Announce that the Public Hearing is still open for the Ordinance to be read a Second Time by Title Only and considered for Adoption; and that the Rules of Order for this Public Hearing were read in their entirety during the Regular Session of March 1, 2023.
2. MAYOR: Request Staff Report
3. MAYOR: Invite Public Testimony from those in Favor, in Opposition, and ending with those Neutral to the proposed Ordinance.
4. MAYOR: Invite Council Discussion
5. MAYOR: Close the Hearing and Entertain a Motion:

Suggested Motion: I move that the proposed Ordinance regulating conduct in City Parks be read for the Second Time by Title Only, Put to a Vote, and Adopted.
6. MAYOR: Invite Additional Council Discussion
7. MAYOR: Ask the City Recorder to Read the proposed Ordinance for the Second Time by Title Only.
8. MAYOR: Ask for the Vote

EXPLANATION: After the adoption of Ordinance 3259 Series 2023 - Regulating Camping on Public Property and Prohibiting Camping in Certain Areas, Parks & Recreation staff worked with the Police Department and Parks & Recreation Advisory Commission to make changes to the Parks Rules Ordinance to bring it into compliance with Oregon HB 3115 (2021), State and Federal law. The Commission also took the opportunity to add language prohibiting alcohol in parks and increasing the trespass penalties based on recent and previous experience.

The Public Hearing on this proposed Ordinance was opened at the City Council's Regular Session Meeting held on March 1, 2023, at which time the Ordinance was read for the first time. During the Hearing, there was no public testimony received in regards to the proposed Ordinance. Tonight, is a continuation of the Public Hearing with a second reading of the proposed Ordinance to be considered for adoption.

The City Manager recommends that the Council proceed with the Second Reading by Title Only and the adoption of the proposed Ordinance.

Reviewed By: (Initial)

City Manager _____
City Recorder _____
Aquatics Division _____
Building Department _____
ED Department _____
Finance _____
Fire Department _____

Human Resources Dept _____
Library _____
Parks Department _____
Planning Department _____
Police Department _____
Public Works Department _____

COUNCIL ACTION (Office Use Only)

- Motion Passed
- Motion Failed; _____
- Action Tabled: _____
Vote: _____
- Resolution Passed
Effective Date: _____
- Ordinance Adopted
First Reading: _____
Second Reading: _____
Effective Date: _____

RULES OF ORDER FOR A LEGISLATIVE PUBLIC HEARING

CITY RECORDER READS TO THE PUBLIC:

- A. These Rules of Order are applicable to the Public Hearing for a proposed Ordinance regulating conduct in city parks in La Grande.
- B. This is a legislative hearing, therefore Councilor ex parte or pre-hearing contact does not apply.
- C. The Hearing will proceed as follows:
 - 1. The Mayor will open the Public Hearing and request the Staff Report.
 - 2. The Mayor will then accept public testimony relating to the matter. There is a three-minute time limit for testimony. The order of testimony this evening will begin with that of Proponents (those in favor), followed by Opponents (those opposed), and ending with those Neutral to the Ordinance being adopted.
 - 3. The proceedings are being electronically recorded, to be converted to written Minutes. When testifying, please step to the podium and **clearly print** your name and address on the speaker sign-in sheet. Please **state only** your name before addressing the Council.
 - 4. Members of the City Council may ask questions of the Staff at any time.
 - 5. Subsequent to deliberation, the Mayor will close the Hearing.

CITY OF LA GRANDE
ORDINANCE NUMBER _____
SERIES 20~~15~~²³17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, REGULATING CONDUCT IN THE CITY PARKS OF LA GRANDE, OREGON; SETTING OPERATING POLICIES; PROVIDING PENALTIES; AND REPEALING ORDINANCE NUMBER ~~3223~~³²³⁷, SERIES 201~~5~~²³; ~~ALL AMENDING ORDINANCES~~, AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EFFECTIVE DATE

THE CITY OF LA GRANDE ORDAINS AS FOLLOWS:

Section 1. DEFINITIONS.

- a. City Park.
_Any public grounds operated under the supervision of the Parks and Recreation Director, whether within or outside of the corporate limits of the City of La Grande.
- b. Director.
_The person, or ~~his/her~~^{their} designee, hired by the City of La Grande to be in charge of the City's Parks and Recreation Department.
- c. Motor Vehicle.
_Every vehicle which is self-propelled.
- d. At Large.
_Out of physical or verbal control.
- e. Smoking and Tobacco Use.
_Smokeless tobacco and the burning, carrying or holding of a lighted cigarette, cigar, pipe, electronic cigarette, any vapor products, hookahs or any other lighted smoking item or equipment containing tobacco or any other herbaceous material, or the inhalation or exhalation of smoke from the same.
- f. Alcohol Use.
Consumption of alcoholic beer, liquor, or malt beverages in a City Park.
- g. Motors.
_Including gas and electric boat motors, generators, and pumps.
- h. Litter, Garbage, Sewer, and Waste.
Garbage, litter, debris, rubbish, trash, animal waste, and sewage.
- i. Criminal Trespass.
_Criminal Trespass as defined in ~~ORS 164.245~~^[GB1]the Oregon Revised Statute.

Section 2. CONDUCT IN CITY PARKS.

- a. Regulation of Activities.
_The Director shall have the authority to regulate the activities in City ~~P~~^Parks when necessary to prevent congestion and to procure the maximum and intended use and safety for the general public. Users shall comply with regulations and/or directions set forth for these activities.
- b. Hours Open to the Public.
_Except for unforeseen emergencies, all City ~~P~~^Parks, with the exception of Morgan Lake, shall be open to the public every day of the year. Opening and closing hours for each City ~~P~~^Park

may be established by the Director and shall be posted for public information.

c. Reservations and Fees.

A City Park, or portion thereof, may be reserved for organized or group activities for a fee in accordance with the current City Resolution establishing such fees. When buildings or facilities are not reserved, they are available to the public on a first come, first served basis. Reservations shall be made through the Parks and Recreation Department on an application form provided by the City. For major events, a Special Event Application may be required and approved by the Director. The Director shall approve such applications when ~~he/she~~they finds:

1. that the proposed activity or use of the park will not unreasonably interfere with or detract from the general public's enjoyment of the park;
2. that the proposed activity or use of the park is not reasonably anticipated to incite violence, crime or disorderly conduct; or
3. that the proposed activity or use of the park will not entail unusual, extraordinary activity, create burdensome expense for the City or require police supervision.

Denial of such an application may be appealed to the City Manager—whose decision is final and binding.

d. Animals in Parks.

1. No person shall allow any animal in ~~his/her~~their possession or ownership to be at large in any City Park. Persons with pets shall be responsible for cleanup of pet waste. Persons who do not clean up pet waste are subject to the fines detailed in Section 4 of this Ordinance.
2. No hoofed animals are allowed in any City Park, except Morgan Lake. The Director may authorize an exception for special events, subject to such requirements, including posting a bond, as ~~he/she~~they ~~may~~ specify.

e. Preservation of Vegetation.

No person shall pick any flowers or foliage, or cut, dig up, remove, drive on, or in any way mutilate or injure any tree, shrub, plant or grass in a City Park.

f. Fireworks.

No person shall discharge, set off or explode any firecracker, ~~firework~~, or explosive device of any kind, except by special permit from the Director. No permit shall be granted without the approval of the La Grande Fire Department.

g. Fires.

No person shall build a fire in a City Park except in designated areas.

hi. Personal Hygiene.

No person shall use any public body of water or other ~~body of water~~ source -not intended for personal hygiene -including, but limited to drinking fountains, hose bibs, or irrigation heads in or adjacent to any City Park, for the purpose of performing personal hygiene, except in such places and subject to such regulations as the Director may specifically designate.

ij. Excavating/Blasting.

No person shall dig up or remove any dirt, stone, rock or any other earthen part of a City Park without a permit from the Director.

jk. Speed Limit.

No person shall operate a motor vehicle on any driveway or roadway within a City Park at a speed in excess of ten (10) miles per hour, unless a higher rate of speed is permitted, as indicated by signs posted by the City.

kl. Park Signage.

Persons shall comply with any sign or notice posted by the City in any City Park.

il. Overnight Use of City Parks.

No person shall camp overnight in any City Park ~~as detailed in violation of the City Code's regulating camping on public property no camping ordinance~~ or remain in any City Park after the established closing hours. Camping is allowed at Morgan Lake, but may not exceed a maximum of three (3) consecutive days. At the discretion of the Director, other City Parks or portions of other City Parks may be reserved for camping by organized groups on a case-by-case basis. An appropriate application as detailed in Section 2.c. of this Ordinance may be required.

~~m. Smoking and Tobacco Use Prohibited.~~

m. Smoking and tobacco use as defined in Section 1.e. is prohibited in or upon any park or recreational facility owned and/or operated by the City of La Grande.

~~n. Alcohol Use Prohibited.~~

n. Alcohol use as defined in Section 1.f. is prohibited in or upon any park or recreational facility owned and/or operated by the City of La Grande. With approval of the Parks and Recreation Director, the sale and/or consumption of alcoholic beverages may be allowed in a controlled setting, with licensed service in accordance with the Oregon Liquor Control laws.

~~o. Litter, Garbage, Sewer, and Waste.~~

o. It shall be unlawful for any person to cast, throw, deposit, place, leave or dump in any manner any debris, garbage, litter, rubbish, refuse, animal waste, animal cleanings, or sewage in any City Park.

ap. Peddling.

No person in a park any City Park area shall sell, peddle or offer for sale any food liquids, edibles for human consumption, or any goods, wares, service or merchandise within the park area except with authorization from the Director, and then only subject to such laws and regulations as may now or hereafter exist.

Section 3. CONDUCT SPECIFIC TO MORGAN LAKE PARK.

In addition to conduct outlined in Section 2, the following items apply specifically to Morgan Lake Park.

a. Open to the Public.

a. Generally, Morgan Lake is open to the public effective the day before the first day of fishing season for lakes, as established by the State of Oregon Department of Fish and Wildlife, through the last day of October. ~~The park is closed the remainder of the year, generally the beginning of November through the middle of April. The park gate will remain open throughout the open season. Vehicle access is limited to the parking area outside the gate when park is closed.~~ Opening and closing dates and hours may be established by the Director and shall be posted for public information.

~~b.~~ Overnight Use.

b. Overnight camping is only allowed in designated sites with a maximum stay of three (3) consecutive days per calendar month. Overnight campers must complete registration at gate. At least one (1) person must occupy a camping area each night after camping equipment has been set up unless permission has otherwise been granted by the Director.

c. Campfires.

~~e.~~

1. Campfires shall only be built in the metal fire rings or fireplaces provided for such purposes. Fires shall not be left unattended or be permitted to cause damage to park facilities or areas.

~~1.~~

2. No firewood cutting or collection of firewood is allowed in park areas.

~~2.~~

3. Firewood may be made available for purchase from the City of La Grande Parks and Recreation Department at the discretion of the Director and sold by camp host or other individuals designated by the Director.

~~3.~~

4. Fire users must fully extinguish fires before leaving the park.

~~4.~~

5. Propane portable stoves may be used only in established campsite or picnic areas. Other types of portable stoves are not allowed.

~~5.~~

6. Briquettes may be used in the provided barbecue stands in the day use areas.

~~6.~~

7. At the Director's discretion, fires normally permitted in park areas may be restricted or prohibited due to high fire hazard conditions.

d. Animals.

~~e.~~

1. No person shall allow any animal in ~~his/her~~their possession or ownership to be at large in the park area. Persons with pets shall be responsible for cleanup of pet waste. Persons that do not clean up waste are subject to the fines detailed in Section 4 of this Ordinance.

~~1.~~

2. Horses may utilize roadways designated for the use of motor vehicles.

~~e.~~ Litter, Garbage, Sewage or Waste.

e. Litter, garbage, sewage or waste shall be packed out or deposited in the approved containers, if provided. Garbage, litter, fish cleanings or other foreign substances are not permitted in toilets or plumbing fixtures or in the Lake.

~~f.~~ Firearms.

f. No person shall hunt, pursue, trap, kill, injure or molest any wildlife or disturb their habitats. With the exception of law enforcement officials, concealed handgun license holders possessing a firearm as allowed under their license, and other government officials required to carry firearms in the performance of their official duties, firearms are prohibited in the park area.

~~g.~~ Motors Prohibited.

g. No motors as defined above are allowed at Morgan Lake Park with the exception of the camp host using a generator for power. Motor vehicles are permitted on designated roadways when the park gate is open.

~~h.~~ Preservation of Vegetation.

h. No person shall pick any flowers or foliage, or cut, dig up, remove, drive on, or in any way mutilate or injure any tree, shrub, plant or grass in the park.

Section 4. PENALTIES.

~~a.~~ Fines and Restitution.

a. A person violating any of the provisions of this Ordinance or a rule/regulation issued under the authority of this Ordinance shall, upon conviction thereof, be required to make full restitution for damages. In addition, violators may receive a fine not to exceed five hundred dollars (\$500) for each violation.

~~b.~~ Trespass.

b. Law enforcement officials or the Director may issue a warning to an individual who violates any of the provisions of this Ordinance. Law enforcement or the Director may exclude that person from that specific park or facility for the remainder of the day and:

1. Up to thirty (30) days, if deemed necessary and appropriate;
2. Up to ninety (90) days if the person to be excluded has been excluded from any ~~public place~~ City Park at any time within two (2) years before the date of the present exclusion; and
3. Up to one hundred eighty (180) days if the person to be excluded has been excluded from one (1) or more ~~public places~~ City Parks on two (2) or more occasions within two (2) years before the date of the present exclusion.

The individual may be arrested and prosecuted for criminal trespass if the individual enters/remains in the park from which ~~he~~ they ~~have~~ s been previously excluded during the period of time specified by law enforcement or the Director.

Section 5. SEVERABILITY.

The sections and subsections of this Ordinance are severable. If any section or subsection is found invalid or unconstitutional by a court of competent jurisdiction, it shall not affect the validity of the Ordinance as a whole nor any of the remaining sections or subsections; and they shall remain in full force and effect.

Section 6. EFFECTIVE DATE.

 This Ordinance shall become effective thirty (30) days after its adoption by the City Council of the City of La Grande, Union County, Oregon, and its approval by the Mayor; specifically, May 5, 2023 ~~July 14, 2017~~.

ADOPTED AND APPROVED on this ~~Fourteenth~~ Fifth (54th) day of ~~April~~ June, 2023~~17~~, by () of () Councilors present and voting in the affirmative.

~~Stephen E. Clements~~ Justin B. Rock, Mayor

ATTEST:

City of La Grande
Ordinance Number: _____
Series 2023

Page 6

~~Angelika N. Brooks~~ Stacey M. Stockhoff
City Recorder

CITY OF LA GRANDE
ORDINANCE NUMBER _____
SERIES 2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, REGULATING CONDUCT IN THE CITY PARKS OF LA GRANDE, OREGON; SETTING OPERATING POLICIES; PROVIDING PENALTIES; AND REPEALING ORDINANCE NUMBER 3237, SERIES 2017; AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EFFECTIVE DATE

THE CITY OF LA GRANDE ORDAINS AS FOLLOWS:

Section 1. DEFINITIONS.

- a. City Park. Any public grounds operated under the supervision of the Parks and Recreation Director, whether within or outside of the corporate limits of the City of La Grande.
- b. Director. The person, or their designee, hired by the City of La Grande to be in charge of the City's Parks and Recreation Department.
- c. Motor Vehicle. Every vehicle which is self-propelled.
- d. At Large. Out of physical or verbal control.
- e. Smoking and Tobacco Use. Smokeless tobacco and the burning, carrying or holding of a lighted cigarette, cigar, pipe, electronic cigarette, any vapor products, hookahs or any other lighted smoking item or equipment containing tobacco or any other herbaceous material, or the inhalation or exhalation of smoke from the same.
- f. Alcohol Use. Consumption of alcoholic beer, liquor, or malt beverages in a City Park.
- g. Motors. Including gas and electric boat motors, generators, and pumps.
- h. Litter, Garbage, Sewer, and Waste. Garbage, litter, debris, rubbish, trash, animal waste, and sewage.
- i. Criminal Trespass. Criminal Trespass as defined in the Oregon Revised Statute.

Section 2. CONDUCT IN CITY PARKS.

- a. Regulation of Activities. The Director shall have the authority to regulate the activities in City Parks when necessary to prevent congestion and to procure the maximum and intended use and safety for the general public. Users shall comply with regulations and/or directions set forth for these activities.
- b. Hours Open to the Public. Except for unforeseen emergencies, all City Parks, with the exception of Morgan Lake, shall be open to the public every day of the year. Opening and closing hours for each City Park may be established by the Director and shall be posted for public information.
- c. Reservations and Fees. A City Park, or portion thereof, may be reserved for organized or group activities for a fee in accordance with the current City Resolution establishing such fees. When buildings or facilities are not reserved, they are available to the public on a first come, first served basis. Reservations shall be made through the Parks and Recreation Department on an application form provided by the City. For major events, a Special Event Application may be required and approved by the Director. The Director shall approve such applications when they find:

1. that the proposed activity or use of the park will not unreasonably interfere with or detract from the general public's enjoyment of the park;
2. that the proposed activity or use of the park is not reasonably anticipated to incite violence, crime or disorderly conduct; or
3. that the proposed activity or use of the park will not entail unusual, extraordinary activity, create burdensome expense for the City or require police supervision.

Denial of such an application may be appealed to the City Manager-whose decision is final and binding.

d. Animals in Parks.

1. No person shall allow any animal in their possession or ownership to be at large in any City Park. Persons with pets shall be responsible for cleanup of pet waste. Persons who do not clean up pet waste are subject to the fines detailed in Section 4 of this Ordinance.
2. No hooved animals are allowed in any City Park, except Morgan Lake. The Director may authorize an exception for special events, subject to such requirements, including posting a bond, as they specify.

e. Preservation of Vegetation. No person shall pick any flowers or foliage, or cut, dig up, remove, drive on, or in any way mutilate or injure any tree, shrub, plant or grass in a City Park.

f. Fireworks. No person shall discharge, set off or explode any firecracker, firework, or explosive device of any kind, except by special permit from the Director. No permit shall be granted without the approval of the La Grande Fire Department.

g. Fires. No person shall build a fire in a City Park except in designated areas.

h. Personal Hygiene. No person shall use any public body of water or other water source not intended for personal hygiene including, but limited to drinking fountains, hose bibs, or irrigation heads in or adjacent to any City Park, for the purpose of performing personal hygiene, except in such places and subject to such regulations as the Director may specifically designate.

i. Excavating/Blasting. No person shall dig up or remove any dirt, stone, rock or any other earthen part of a City Park without a permit from the Director.

j. Speed Limit. No person shall operate a motor vehicle on any driveway or roadway within a City Park at a speed in excess of ten (10) miles per hour, unless a higher rate of speed is permitted, as indicated by signs posted by the City.

k. Park Signage. Persons shall comply with any sign or notice posted by the City in any City Park.

l. Overnight Use of City Parks. No person shall camp overnight in any City Park in violation of City Code regulating camping on public property or remain in any City Park after the established closing hours. Camping is allowed at Morgan Lake, but may not exceed a maximum of three (3) consecutive days. At the discretion of the Director, other City Parks or portions of other City Parks may be reserved for camping by organized groups on a case-by-case basis. An appropriate application as detailed in

Section 2.c. of this Ordinance may be required.

- m. Smoking and Tobacco Use Prohibited. Smoking and tobacco use as defined in Section 1.e. is prohibited in or upon any park or recreational facility owned and/or operated by the City of La Grande.
- n. Alcohol Use Prohibited. Alcohol use as defined in Section 1.f. is prohibited in or upon any park or recreational facility owned and/or operated by the City of La Grande. With approval of the Parks and Recreation Director, the sale and/or consumption of alcoholic beverages may be allowed in a controlled setting, with licensed service in accordance with the Oregon Liquor Control laws.
- o. Litter, Garbage, Sewer, and Waste. It shall be unlawful for any person to cast, throw, deposit, place, leave or dump in any manner any debris, garbage, litter, rubbish, refuse, animal waste, animal cleanings, or sewage in any City Park.
- p. Peddling. No person in any City Park area shall sell, peddle or offer for sale any food liquids, edibles for human consumption, or any goods, wares, service or merchandise within the park area except with authorization from the Director, and then only subject to such laws and regulations as may now or hereafter exist.

Section 3. **CONDUCT SPECIFIC TO MORGAN LAKE PARK.** In addition to conduct outlined in Section 2, the following items apply specifically to Morgan Lake Park.

- a. Open to the Public. Generally, Morgan Lake is open to the public effective the day before the first day of fishing season for lakes, as established by the State of Oregon Department of Fish and Wildlife, through the last day of October. The park is closed the remainder of the year, generally the beginning of November through the middle of April. Opening and closing dates and hours may be established by the Director and shall be posted for public information.
- b. Overnight Use. Overnight camping is only allowed in designated sites with a maximum stay of three (3) consecutive days per calendar month. Overnight campers must complete registration at gate. At least one (1) person must occupy a camping area each night after camping equipment has been set up unless permission has otherwise been granted by the Director.
- c. Campfires.
 - 1. Campfires shall only be built in the metal fire rings or fireplaces provided for such purposes. Fires shall not be left unattended or be permitted to cause damage to park facilities or areas.
 - 2. No firewood cutting or collection of firewood is allowed in park areas.
 - 3. Firewood may be made available for purchase from the City of La Grande Parks and Recreation Department at the discretion of the Director and sold by camp host or other individuals designated by the Director.
 - 4. Fire users must fully extinguish fires before leaving the park.
 - 5. Propane portable stoves may be used only in established campsite or picnic areas. Other types of portable stoves are not allowed.
 - 6. Briquettes may be used in the provided barbecue stands in the day use areas.
 - 7. At the Director's discretion, fires normally permitted in park areas may

be restricted or prohibited due to high fire hazard conditions.

- d. Animals.
 - 1. No person shall allow any animal in their possession or ownership to be at large in the park area. Persons with pets shall be responsible for cleanup of pet waste. Persons that do not clean up waste are subject to the fines detailed in Section 4 of this Ordinance.
 - 2. Horses may utilize roadways designated for the use of motor vehicles.
- e. Litter, Garbage, Sewage or Waste. Litter, garbage, sewage or waste shall be packed out or deposited in the approved containers, if provided. Garbage, litter, fish cleanings or other foreign substances are not permitted in toilets or plumbing fixtures or in the Lake.
- f. Firearms. No person shall hunt, pursue, trap, kill, injure or molest any wildlife or disturb their habitats. With the exception of law enforcement officials, concealed handgun license holders possessing a firearm as allowed under their license, and other government officials required to carry firearms in the performance of their official duties, firearms are prohibited in the park area.
- g. Motors Prohibited. No motors as defined above are allowed at Morgan Lake Park with the exception of the camp host using a generator for power. Motor vehicles are permitted on designated roadways when the park gate is open.
- h. Preservation of Vegetation. No person shall pick any flowers or foliage, or cut, dig up, remove, drive on, or in any way mutilate or injure any tree, shrub, plant or grass in the park.

Section 4. PENALTIES.

- a. Fines and Restitution. A person violating any of the provisions of this Ordinance or a rule/regulation issued under the authority of this Ordinance shall, upon conviction thereof, be required to make full restitution for damages. In addition, violators may receive a fine not to exceed five hundred dollars (\$500) for each violation.
- b. Trespass. Law enforcement officials or the Director may issue a warning to an individual who violates any of the provisions of this Ordinance. Law enforcement or the Director may exclude that person from that specific park or facility for the remainder of the day and:
 - 1. Up to thirty (30) days, if deemed necessary and appropriate;
 - 2. Up to ninety (90) days if the person to be excluded has been excluded from any City Park at any time within two (2) years before the date of the present exclusion; and
 - 3. Up to one hundred eighty (180) days if the person to be excluded has been excluded from one (1) or more City Parks on two (2) or more occasions within two (2) years before the date of the present exclusion.

The individual may be arrested and prosecuted for criminal trespass if the individual enters/remains in the park from which they have been previously excluded during the period of time specified by law enforcement or the Director.

Section 5. SEVERABILITY. The sections and subsections of this Ordinance are severable. If any section or subsection is found invalid or unconstitutional by a court of competent jurisdiction, it shall not affect the validity of the Ordinance as a whole nor any of the remaining sections or subsections; and they shall remain in full force and effect.

Section 6. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after its adoption by the City Council of the City of La Grande, Union County, Oregon, and its approval by the Mayor; specifically, May 5, 2023.

ADOPTED AND APPROVED on this Fifth (5th) day of April, 2023, by _____ (____) of _____ (____) Councilors present and voting in the affirmative.

Justin B. Rock, Mayor

ATTEST:

Stacey M. Stockhoff
City Recorder

CITY of LA GRANDE

COUNCIL ACTION FORM

Council Meeting Date: **April 5, 2023**

PRESENTER:

Michael Boquist, Community Development Director

COUNCIL ACTION:

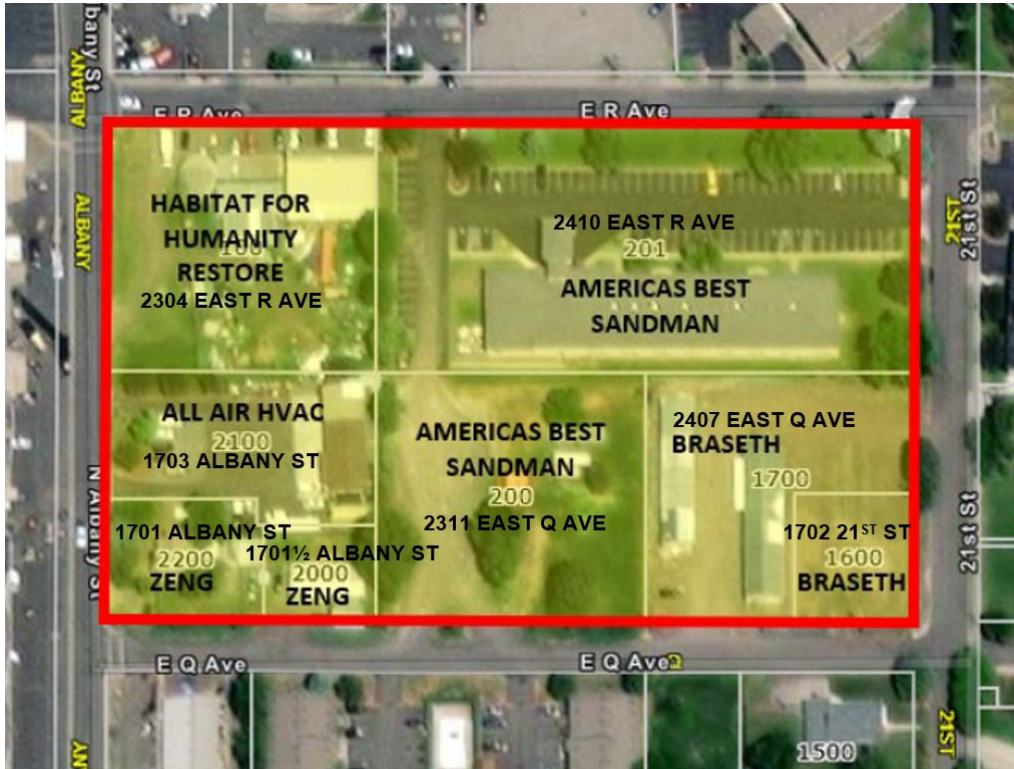
PUBLIC HEARING AND SECOND READING BY TITLE ONLY OF PROPOSED ORDINANCE REZONING PROPERTY FROM INTERCHANGE COMMERCIAL TO GENERAL COMMERCIAL ON THE ZONING MAP

1. MAYOR: Announce that the Public Hearing is still open for the Ordinance to be read a Second Time by Title Only and considered for Adoption; and that the Rules of Order for this Public Hearing were read in their entirety during the Regular Session of March 1, 2023.
2. MAYOR: Request Staff Report
3. MAYOR: Invite Public Testimony from those in Favor, in Opposition, and ending with those Neutral to the proposed Ordinance.
4. MAYOR: Invite Council Discussion
5. MAYOR: Close the Hearing and Entertain a Motion:

Suggested Motion: I move that the proposed Ordinance Rezoning Property from Interchange Commercial to General Commercial on the Zoning Map be read for the Second Time by Title Only, Put to a Vote, and Adopted.
6. MAYOR: Invite Additional Council Discussion
7. MAYOR: Ask the City Recorder to Read the proposed Ordinance for the Second Time by Title Only.
8. MAYOR: Ask for the Vote.

EXPLANATION: This rezone is submitted in partnership by Kaiger Braseth (property owner) and the City of La Grande. The purpose of this rezone request is (1) to encourage and support the revitalization of underutilized properties by expanding the allowed uses that may be developed through rezoning to General Commercial; and, (2) to address conflicts with nonconforming uses such as dwellings, local retail stores, contractor businesses, and warehouse uses which are not permitted in the Interchange Commercial zone. Such conflicts will be resolved through rezoning the proposed properties to General Commercial which more appropriately fits the uses that exist on the affected properties and the overall character of the surrounding area. See attached Decision Order for more information.

This proposed rezoning includes the entire block bound by Albany Street, East R Avenue, 21st Street and East Q Avenue (see map below).



The Planning Commission held a public hearing to consider this request on February 14, 2023. No public testimony was submitted, and by unanimous vote the Planning Commission recommended approval to the City Council.

The City Council held a public hearing to consider this request during the Regular Session of March 1, 2023. No public testimony was submitted. The public hearing was continued and the Ordinance was read for the First time by Title Only on March 1, 2023.

The City Manager recommends that the Council proceed with the Second Reading by Title Only and the adoption of the proposed Ordinance.

Reviewed By: (Initial)

City Manager _____
 City Recorder _____
 Aquatics Division _____
 Building Department _____
 ED Department _____
 Finance _____
 Fire Department _____

Human Resources Dept _____
 Library _____
 Parks Department _____
 Planning Department _____
 Police Department _____
 Public Works Department _____

COUNCIL ACTION (Office Use Only)

Motion Passed
 Motion Failed: _____
 Action Tabled: _____
 Vote: _____

Resolution Passed
 Effective Date: _____

Ordinance Adopted
 First Reading: _____
 Second Reading: _____
 Effective Date: _____

RULES OF ORDER FOR A PUBLIC HEARING

The following is a step-by-step description of the order of events necessary to hold a Public Hearing.

CITY RECORDER READS TO THE PUBLIC:

- A. The City Council will conduct one (1) Quasi-Judicial Public Hearing. These Rules of Order are applicable to the Public Hearing to consider rezoning property from Interchange Commercial to General Commercial, File Number 04-ZON-22, Applicants: Kaiger Braseth and City of La Grande.
- B. The Hearing will proceed as follows:
1. The Mayor will request the Staff Report, which includes applicable criteria and standards for the issues under consideration in the application.
 2. Subsequent to opening the Public Hearing, the Mayor will accept testimony relating to the application. The Mayor may state a time limit for testimony. All testimony must be directed toward the applicable criteria. Oregon Land Use Law requires that all issues raised by a participant during the Hearing must be sufficiently clear and specific to allow the hearing body and other parties an opportunity to respond to those issues. Failure to raise the issues during the Hearing may invalidate future appeal.
 3. The proceedings are being electronically recorded, to be transcribed in written Minutes. When testifying, please step to the podium and state your name. Before leaving the podium, please complete the speaker sign-in sheet.
 4. The applicant will be invited to speak first, followed by proponents, then by opponents, and then by any parties neutral to the application. An opportunity will be provided to parties to clarify any issues raised or to rebut testimony. Proponents, then opponents, will be provided an opportunity to clarify any issues or to rebut testimony.
 5. If additional documents or new evidence is introduced during the Hearing, any participant may request a continuation of the Hearing. Any participant may request that the Hearing Record be kept open for seven (7) days to submit additional written evidence or testimony for the purpose of responding to new evidence. Unless waived, the applicant has seven (7) days to submit a written response.
 6. Members of the City Council may ask questions of the Staff or Hearing participants at any time. The Mayor may then close the Hearing or continue the Hearing at a specified time and place.
 7. All decisions must be based on findings of fact from the Staff Report or evidence and testimony received which relate to the criteria of the land use decision.
 8. An appeal of the City Council decision must be made in writing to the Oregon Land Use Board of Appeals, together with the required fee, within twenty-one (21) days from the date that the final decision is mailed to the applicant and interested participants.
- C. A Councilor must declare any ex parte or pre-hearing contact, including the person's name and the nature of the discussion, as well as any site visitations to the area in question. Councilors should declare any personal or financial interests in this matter and may disqualify themselves from participation in the Hearing. **Does any Councilor wish to make a declaration?**
- D. Does anyone in the audience wish to challenge the right of any Councilor to hear this matter? **Let the Record show that (there are no challenges) OR _____.**

CITY of LA GRANDE
ORDINANCE NUMBER _____
SERIES 2023

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY,
OREGON, REZONING PROPERTY FROM INTERCHANGE COMMERCIAL TO GENERAL
COMMERCIAL ON THE ZONING MAP; AND DECLARING AN EFFECTIVE DATE**

WHEREAS, the applicant, A-Secured Properties, applied for a Zoning Change Designation, File Number 04-ZON-22, to rezone two (2) parcels of land located at 2407 East Q Avenue and 1702 21st Street from Interchange Commercial to General Commercial; and,

WHEREAS, with the applicant's support, the City of La Grande Community Development Department-Planning Division engaged as a partner to expand the application to rezone additional properties within the same subdivision block, which were developed with non-conforming/grandfathered uses in the Interchange Commercial Zone, and which would become conforming/permitted uses in the General Commercial Zone; and,

WHEREAS, the City of La Grande Community Development Department-Planning Division reached out to affected property owners by phone and via letters, to advise of the proposed rezone and solicit support from property owners; and,

WHEREAS, notice was provided electronically to the Oregon Department of Land Conservation and Development (DLCD) at least thirty-five (35) days in advance of the first Public Hearing using DLCD's electronic submittal process; and,

WHEREAS, the proper notices were posted; published in *The Observer*, which is a local newspaper of general circulation; and mailed to property owners within one hundred feet (100') of affected property duly advertising the City Council Public Hearings to consider the application; and,

WHEREAS, the applications were found to conform to the standards and procedures set forth in the City of La Grande Land Development Code Ordinance Number 3252, Series 2021, Article 8.6 – Zone Designation Change; and,

WHEREAS, the City of La Grande Planning Commission and City Council conducted Public Hearings to receive public testimony on the Ordinance rezoning said property.

NOW, THEREFORE, THE CITY OF LA GRANDE ORDAINS AS FOLLOWS:

Section 1. That the City of La Grande Zoning Map be amended to change the zoning designation for the following properties from Interchange Commercial to General Commercial, as depicted in Exhibit "A":

All of Lots 1, 2, 3, 4, 5 and 6, in Block 2 of HOME INVESTMENT ADDITION to La Grande, Union County, Oregon.

Said tract containing approximately 248,040 square feet (5.69 acres).

Situated in the City of La Grande, Union County, Oregon; and, also described as being the following properties:

- 2304 East R Avenue, T3S, R38E, Section 04CC, Tax Lot 100.
- 2311 East Q Avenue, T3S, R38E, Section 04CC, Tax Lot 200.
- 2410 East R Avenue, T3S, R38E, Section 04CC, Tax Lot 201.
- 1702 21st Street, T3S, R38E, Section 04CC, Tax Lot 1600.
- 2407 East Q Avenue, T3S, R38E, Section 04CC, Tax Lot 1700.
- 1701½ Albany Street, T3S, R38E, Section 04CC, Tax Lot 2000.
- 1703 Albany Street, T3S, R38E, Section 04CC, Tax Lot 2100.
- 1701 Albany Street, T3S, R38E, Section 04CC, Tax Lot 2200.

Section 2. That the City Council adopts the Findings of Fact and conclusions set forth in the City Council Decision Order, dated April 5, 2023.

Section 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after its adoption by the City Council of the City of La Grande, Oregon, and its approval by the Mayor; specifically, May 5, 2023.

ADOPTED AND APPROVED on this Fifth (5th) day of April, 2023, by _____
(____) of _____ (____) Councilors present and voting in the affirmative.

Justin B. Rock, Mayor

ATTEST:

Stacey M. Stockhoff
City Recorder

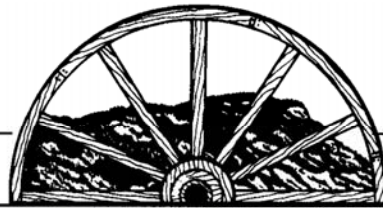
EXHIBIT 'A'

Rezone From Interchange Commercial to General Commercial

- 2304 East R Avenue, T3S, R38E, Section 04CC, Tax Lot 100.
- 2311 East Q Avenue, T3S, R38E, Section 04CC, Tax Lot 200.
- 2410 East R Avenue, T3S, R38E, Section 04CC, Tax Lot 201.
- 1702 21st Street, T3S, R38E, Section 04CC, Tax Lot 1600.
- 2407 East Q Avenue, T3S, R38E, Section 04CC, Tax Lot 1700.
- 1701½ Albany Street, T3S, R38E, Section 04CC, Tax Lot 2000.
- 1703 Albany Street, T3S, R38E, Section 04CC, Tax Lot 2100.
- 1701 Albany Street, T3S, R38E, Section 04CC, Tax Lot 2200.



CITY OF



LA GRANDE

THE HUB OF NORTHEASTERN OREGON

COMMUNITY DEVELOPMENT DEPARTMENT / PLANNING DIVISION • P.O. Box 670 • 1000 Adams Avenue • La Grande, OR 97850
Phone: (541) 962-1307 • Fax: (541) 963-3333 • Web: www.planning.cityoflagrande.org

DECISION ORDER OF _____

HEARING BODY(IES): City Council
HEARING DATE(S): Wednesday, March 1, 2023 (First Reading)
Wednesday, April 5, 2023 (Second Reading)
HEARING TIME(S): 6:00 p.m.
HEARING LOCATION: City Hall Council Chambers, located at 1000 Adams Avenue, La Grande, Oregon.

I. Application Information

File Number: 04-ZON-22
Proposal: Request to Rezone Property from Interchange Commercial (IC) to General Commercial (GC).
Applicant: Jointly by Kaiger Braseth & City of La Grande Community Development Department
Address/Location: All of Block 2 of HOME INVESTMENT ADDITION, City of La Grande, Union County, Oregon, which includes the following properties:

- 1702 21st Street, T3S, R38E, Section 04CC, Tax Lot 1600
- 2407 E. Q Avenue, T3S, R38E, Section 04CC, Tax Lot 1700
- No Address, Q Avenue, T3S, R38E, Section 04CC, Tax Lot 200
- 1701½ Albany Street, T3S, R38E, Section 04CC, Tax Lot 2000
- 1701 Albany Street, T3S, R38E, Section 04CC, Tax Lot 2200
- 1703 Albany Street, T3S, R38E, Section 04CC, Tax Lot 2100
- 2304 R Avenue, T3S, R38E, Section 04CC, Tax Lot 100
- 2410 R Avenue, T3S, R38E, Section 04CC, Tax Lot 201

Decision Order Prepared By: Michael J. Boquist, Community Development Director

II. Schedule of Procedural and Public Hearing Requirements

In accordance with Land Development Code Ordinance 3252, Series 2021, Articles 9.3 and 9.4, Land Development Code Amendments are subject to the City Council's review and decision authority, upon receiving a recommendation from the Planning Commission. In accordance with Article 9.5, public hearings for the consideration of the proposal were scheduled as follows:

- October 6, 2022.....Application for Zone Change Designation received and deemed complete.
- October 28, 2022.....Planning Division, with the Applicant's support, proposed to expand the Zone Change boundary to include the entire South half of Block 2 of HOME INVESTMENT ADDITION; notified affected property owners by letter; and requested their input within 2-weeks (questions, comments, objections, etc.).
- November 14, 2022.....Email correspondence was received from Matthew L. Kahl, Attorney, representing property located at 2311 Q Avenue and 2410 R Avenue, requesting that the zone change be further expanded to include the entire Block 2 of HOME INVESTMENT ADDITION, as his client owns contiguous property and requests that such properties remain within the same zoning.
- December 7, 2022.....Planning Division, with the Applicant's support, proposed to further expand the Zone Change boundary to include the entire Block 2 of HOME INVESTMENT ADDITION; notified affected property owners by letter; and requested their input within 2-weeks (questions, comments, objections, etc.).
- January 10, 2023.....(35-Day Required Notice to the Oregon Department of Land Conservation and Development in accordance with ORS 197.610.
- January 20, 2023.....Public notice mailed to surrounding property owners within 100' and development review agencies in accordance with ORS 227.186.
- February 4, 2023.....Advertised notice was published in *The Observer*, advertising the public hearings before the Planning Commission on February 14, 2023, and the City Council on March 1, 2023, and April 5, 2023.
- February 14, 2023.....Public Hearing before the Planning Commission (1st Evidentiary Hearing)
- March 1, 2023.....Public Hearing before the City Council and First Reading of Proposed Adopting Ordinance
- April 5, 2023.....Public Hearing before the City Council and Second Reading/Adoption of Proposed Adopting Ordinance
- April 7, 2023.....Notice to DLCD for Final Adoption
- May 5, 2023.....Expiration of 30-Day Appeal period. Decision becomes final.

III. Public Notice Information

Public notice was issued in accordance with City and State laws. Notice was provided in accordance with Land Development Code Ordinance 3252, Series 2021, Article 9.6, Section 9.6.001(B). Notice of the public hearing was published in the local newspaper of general circulation, with mailed notice provided to the applicant and to the owners of record of property located within one hundred feet (100') of the subject property. Additionally, all public hearing materials, including the Draft Decision Order was published on the City of La Grande – Planning Division's webpage.

IV. Review Process and Appeals

An application for a Zone Change Designation is a quasi-judicial land use action that is subject to the Planning Commission's and City Council's review and approval. The Planning Commission's review includes a public hearing where testimony is accepted from interested persons and which results in a recommendation being forwarded to the City Council in accordance with Chapter 9 of Land Development Code Ordinance 3252, Series 2021. The City Council holds two (2) public hearings where testimony is accepted from interested persons and which results in a final decision and the adoption of an Ordinance to rezone the subject properties.

A decision of the City Council is final unless appealed to the Oregon Land Use Board of Appeals (LUBA) within twenty-one (21) days from the date the City Council decision.

V. General Facts and Overview

1. The purpose of this rezone request is (1) to encourage and support the revitalization of underutilized properties by expanding the allowed uses that may be developed through rezoning to General Commercial; and, (2) to address conflicts with nonconforming uses such as dwellings, local retail stores, contractor businesses, and warehouse uses which are not permitted in the Interchange Commercial zone. Such conflicts will be resolved through rezoning the proposed properties to General Commercial which more appropriately fits the uses that exist on the affected properties and the overall the character of the surrounding area.
2. The properties affected by this proposed to be rezoned include the following, which are also depicted in Figure 1 below:

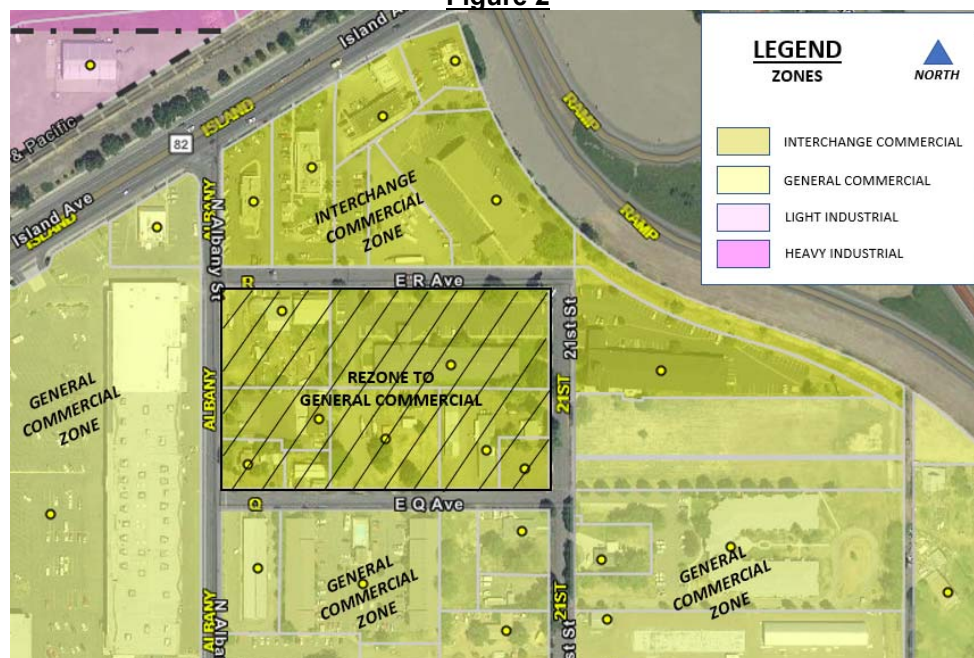
- Braseth: 1702 21st Street, T3S, R38E, Section 04CC, Tax Lot 1600
- Braseth: 2407 E. Q Avenue, T3S, R38E, Section 04CC, Tax Lot 1700
- American Best – Sandman: No Address, Q Avenue, T3S, R38E, Section 04CC, Tax Lot 200
- American Best – Sandman: 2410 R Avenue, T3S, R38E, Section 04CC, Tax Lot 201
- Zeng: 1701½ Albany Street, T3S, R38E, Section 04CC, Tax Lot 2000
- Zeng: 1701 Albany Street, T3S, R38E, Section 04CC, Tax Lot 2200
- All Air HVAC: 1703 Albany Street, T3S, R38E, Section 04CC, Tax Lot 2100
- Habitat for Humanity – Restore: 2304 R Avenue, T3S, R38E, Section 04CC, Tax Lot 100

Figure 1.



3. The subject properties are proposed to be rezoned from Interchange Commercial (IC) to General Commercial (GC), as depicted in Figure 2 below.

Figure 2



4. The rezone area includes a total of eight (8) properties. Of these, only two (2) properties are developed and occupied by a use permitted in the Interchange Commercial (IC) zone. The remaining six (6) properties are developed and occupied by nonconforming uses (aka grandfathered uses), which will become conforming as a result of this rezoning.

Conforming Properties with Permitted Uses:

- American Best – Sandman (Hotel): 2410 R Avenue
- American Best – Sandman (Hotel - Vacant): No Address



Non-Conforming Properties with Grandfathered Uses, which will Become Conforming and Permitted as a Result of this Rezoning:

- Braseth (Warehouse, Storage, Contractor): 2407 E. Q Avenue
- Braseth (Warehouse, Storage, Contractor – Vacant): 1702 21st Street
- Zeng (SF Residential): 1701½ Albany Street
- Zeng (SF Residential): 1701 Albany Street
- All Air HVAC (Building Contractor): 1703 Albany Street
- Habitat for Humanity – Restore (Retail): 2304 R Avenue



VI. Agency Comments

In accordance with City of La Grande Land Development Code Ordinance (LDC) 3252, Series 2021, Chapter 9, notice of the land use application was mailed to the following agencies: City of La Grande Building Department, City of La Grande Fire Department, City of La Grande Planning Department, City of La Grande Police Department, City of La Grande Public Works Department, Avista Utilities, Charter Communications, City Garbage Service, Frontier Communications, Oregon Department of Transportation, and Oregon Trail Electric Cooperative.

1. No written comments or concerns were received from notified agencies.

VII. Public Comments

In accordance with City of La Grande Land Development Code Ordinance (LDC) 3252, Series 2021, Chapter 9, public notice was mailed to the owners of properties located within one hundred feet (100') of the subject property.

1. No written comments or concerns were received from members of the public.

VIII. Analysis of Applicable Standards

Changes to a Zoning map designation are required to satisfy the review criteria contained in the City of La Grande LDC 3252, Series 2021, Article 8.6, Section 8.6.003. The Findings in Decision Order Section IX below addresses conformance with such criteria.

IX. LDC Section 8.6.003 – Review Criteria (Zoning Map Change)

A proposed Zone Designation Change shall meet the following criteria:

- A. The Zone Designation Change is in conformance with the Comprehensive Plan¹, and all other provisions of the Land Development Code²;**

- 1. The Zone Designation Change is in conformance with the Comprehensive Plan**
(Current Comprehensive Plan adopted by Ordinance 3255, Series 2022)

Following are the Comprehensive Plan Goals and Policies applicable to this request:

Goal 1: Citizen Involvement

Policy 1. The City of La Grande shall strive to provide for widespread citizen involvement, especially in its land use planning process.

Policy 3. The City of La Grande shall strive to provide the opportunity for citizens to be involved in all phases of the planning process.

Policy 4. The City shall strive to assure that technical information is available in an understandable form.

Finding: The City's land use process satisfies Goal 1. As outlined in Decision Order Section II above, the City provides many opportunities for citizens to become informed and participate in the land use process.

For this request, Planning Division staff proactively reached out to adjacent property owners to advise them of the proposed rezone and the opportunity for their properties to be rezoned to resolve nonconforming land use issues. This

correspondence was provided via a letter with a map illustration to ensure that information is being presented in an easily understandable form. Following this proactive notice, the City's typical process includes the mailing of a public hearing notice to surrounding property owners within 100', advertised notice, and notice & materials posted on the City's website. City staff prepares written material, using layman's terms and illustrations as much as possible to ensure that technical information is easily understood. The City holds a minimum of three (3) public hearings; one before the Planning Commission and two before the City Council. All public hearings are advertised and the public is invited to attend and participate in the process. At the conclusion of the hearing process, there is a 30-day appeal period by which any party with standing may challenge the decision.

Goal 2: Land Use Planning

- Policy 1. That planning related decisions be made on a factual base.*
- Policy 3. That public need be established before plan changes and related requests are approved, and that the burden of proof be borne by the requestor.*
- Policy 7. That commercial development be concentrated so as to strengthen existing commercial activities.*
- Policy 8. That compatibility with anticipated uses with surrounding area development will be evaluated in making planning related decisions.*

Finding: The structures and uses on the eight (8) subject properties were developed over forty (40) years ago. Of these, only one (1) is developed with a use (hotel) that is conforming and permitted in the Interchange Commercial Zone. Five (5) are developed with uses that are not permitted in the Interchange Commercial Zone and are considered nonconforming/grandfathered. By rezoning these properties to General Commercial, all of them would become permitted and conforming uses within the General Commercial Zone. Two (2) parcels are vacant.

The public need that supports this rezone is based on two (2) things. First, the City of La Grande is running out of available General Commercial zoned lands and is struggling to find available sites for new or relocating businesses that are seeking this zoning. This shortage has been known for a couple years, which has caused the City to budget and seek a consultant to conduct and Economic Needs Analysis to justify adding additional commercial lands to the City inventory.

Secondly, the property owner of 2407 Q Avenue has been seeking to redevelop their properties, but there is little demand for Interchange Commercial uses and a high demand for General Commercial uses. As such, this property initiated this zone change request based on the City's need for General Commercial zoned land and the demand and opportunity to redevelop their property with General Commercial uses.

The rezoning of this block to General Commercial will help strengthen the existing General Commercial uses that existing with this block. As a nonconforming/grandfathered use, City Code is not supportive of property owner investing in and expanding the existing nonconforming uses. As such, rather than encouraging a property owner to simply continue maintaining a nonconforming and grandfathered use, this rezoning will help promote and encourage investment in these properties to improve, expand and/or redevelop with a higher and better use.

The adjacent property to the West is zoned General Commercial improved with a commercial retail strip mall. The property to the East is zoned General Commercial and improved with a hotel, a vacant parcel, and a residential care facility. The property to the South is zoned General Commercial and is developed with a commercial office building, an apartment complex, and single-family residential

homes. The propose rezone is to General Commercial is more compatible with the existing surrounding uses than Interchange Commercial uses.

Goal 9: Economic Development

Policy 1. The City shall undertake specific activities to encourage the growth of existing businesses, and to attract new businesses to the community in industries that will provide local employment opportunities that are consistent with community needs and not detrimental to the quality of life in the community.

Policy 10. The City shall encourage highway-oriented businesses to be located near intersection of major arterials.

Policy 11. The City shall encourage the grouping of commercial uses in such a manner as will facilitate customer involvement from one store to another.

Finding: The subject properties are predominantly developed with commercial businesses that are not highway oriented and focused on provide services to interstate travelers. Instead, these properties are predominantly fully developed with commercial uses that serve the local community, such as a retail store, building contractor, warehouse, office and small-scale manufacturing. These existing uses have existed for many years and are not expected to change any time soon, and definitely not within the City's 20-year planning horizon. As a result, rezoning them to General Commercial, where the zoning fits the existing use of every property makes sense.

Subsequent to rezoning, the uses on each of these properties will be permitted outright vs. being nonconforming/grandfathered uses. Once they become permitted uses, each property will be better positioned to facilitate and support investments in building improvements, expansions, remodels, etc. Additionally, the General Commercial Zone has many additional uses permitted than the existing Interchange Commercial Zone, which would allow for additional employment opportunities and growth.

2. The Zone Designation Change is in conformance with all other provisions of the Land Development Code.

Finding: The subject properties are currently zoned Interchange Commercial (IC), which states *"the purpose of this zone is to provide commercial services and goods in places conveniently and safely accessible to highways. The primary function of the highway-related Commercial Zone is to serve automobile-associated travelers and is most appropriate adjacent to freeway interchanges, convenient to freeway ingress and egress, and in areas likely to be developed as freeways, and along Federal and State highways."*

Within the IC zone, there are a variety of commercial uses permitted which offer services that travelers on Interstate 84 may seek (e.g. hotels, fuel stations, restaurants, other). Such uses are intended to be located near the freeway interchange. See attached Exhibit A for a full list of these uses.

Of the eight (8) properties that are affected by this zone change, only two (2) of them which are under the same ownership and use fit within the IC zone. These two (2) properties are owned and managed by the American Best Sandman Hotel. The remaining six (6) properties include warehouse uses, contractor businesses, a retail second hand store, and single-family dwellings. None of which are permitted in the IC zone, and thus are out of compliance with City Code and are nonconforming (grandfathered) uses. See property list and map in Decision Order Section V(4) above.

These eight (8) properties are proposed to be rezoned to General Commercial (GC), which its purpose *“is to provide the full range of retail goods and services serving a large area.”* All of the uses permitted in the IC zone are also allowed in the GC zone, but the GC zone allows for a much wider range of uses that are intended to serve the local community, including contractor businesses, other small businesses with warehouse space, general retail, and even single-family dwellings. See attached Exhibit B for a full list of these uses.

Through this rezone, these six (6) nonconforming properties will become permitted and conform to current City Code. No other provisions of the Land Development Code have been found applicable to this rezone.

B. The property affected by the Zone Designation Change is adequate in size and shape to facilitate those uses that are normally allowed in conjunction with such zoning;

Finding: The subject properties are proposed to be rezoned into the General Commercial (GC) zoning designation. For the creation of new parcels for new development, the GC Zone requires a minimum parcel size of 2,500 square feet. All of the affected parcels will exceed this minimum parcel size, with the smallest affected parcel being 6,500 square feet in size. Additionally, of the 8 affected parcels, 6 of them are fully developed with existing uses that are allowed in the GC Zone. The other 2 parcels are vacant and include sufficient land area (well above the 2,500 minimum) to support the development of uses permitted in the GC Zone.

C. The property affected by the proposed Zone Designation Change can adequately serve the uses that may be permitted therein; and such Change is in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060)

Finding: As discussed in Criterion B above, all of the affected properties exceed the minimum lot size for the General Commercial (GC) Zone, and the affected property are predominantly fully developed uses that are permitted outright in the GC Zone. Such uses have existed on the affected property for the past 40+ years. As such, these existing conditions demonstrate that the rezoning of these properties to the GC Zone can adequately continue serving the uses permitted in this GC Zone, as they have for the past 40+ years.

The Oregon Transportation Planning Rule (OAR 660-012-0060) addresses traffic impacts and capacities on the existing transportation system. As part of evaluating a rezone, this OAR requires that traffic impacts resulting from the proposed rezone to General Commercial (GC) be evaluated in comparison to the existing Interchange Commercial (IC) Zone. If traffic impacts are identified that result in the level of service (LOS) of the transportation system changing to an unacceptable level (e.g. to LOS E or F), then mitigation measures need to be identified to improve and keep the transportation system at an acceptable service level.

In this case, there are no notable impacts anticipated with the transportation system as a result of this rezoning. The existing Interchange Commercial (IC) and General Commercial (GC) zones both allow the same higher traffic impact uses as “permitted uses,” with those being highway-oriented (fuel service stations, restaurants, etc.). Other uses allowed in the General Commercial zone are generally lower traffic generators as compared to highway-oriented uses. (e.g. office, warehouse, auto repair, small retail, etc.). Additionally, as the subject properties are predominantly built out/fully developed, any new or redevelopment of the affected properties would likely be of similar size and scale of uses to what exists today. As a result, no noticeable adverse impact on the transportation system are anticipated and thus this rezone request is not in conflict with Oregon Transportation Planning Rule (OAR 660-012-0060).

D. The proposed Zone Designation Change will have no adverse effect on the appropriate use and development of abutting properties.

Finding: As discussed above, the affected properties are predominantly fully developed uses with uses that have existed for the past 40+ years. Additionally, the properties adjacent to these are also predominantly fully development and have co-existed for the same 40+ years without adversely impacting each other. This rezoning is not intended to result in new and different development, but to rather apply the appropriate zoning to the subject properties to be consistent with their developed uses. As a result, this rezoning will not have an adverse effect on the use or development of abutting properties as the commercial development in the area will remain relatively the same.

X. Conclusions and Order

Based on the Findings of Fact above, the City Council concludes that the Comprehensive Plan Designation Change and Zone Designation Change meets the requirements established in LDC Article 8.6 and 8.7, and hereby approves the zone change as requested.

Exhibit A

LDC 3252, Series 2021, SECTION 2.2.010 - INTERCHANGE COMMERCIAL (IC)

A. PURPOSE: The purpose of this zone is to provide commercial services and goods in places conveniently and safely accessible to highways. The primary function of the highway-related Commercial Zone is to serve automobile-associated travelers and is most appropriate adjacent to freeway interchanges, convenient to freeway ingress and egress, and in areas likely to be developed as freeways, and along Federal and State highways.

B. PERMITTED USES:

1. Accessory Structures – Garages, Sheds for Storage of Lawn Equipment or Wood, and Signs - Including Billboard Signs
2. Automotive and Equipment: Cleaning – Auto Laundries, Auto Detailing, or Car Washes
3. Automotive and Equipment: Parking – Commercial Parking Lots or Garages
4. Automotive and Equipment: Repairs, Light Equipment – Muffler Shops, Auto Repair Garages or Auto Glass Shops
5. Automotive and Equipment: Sales/Rentals, Light Equipment – Automobile Dealers, or Car Rental Agencies or Recreational Vehicles Sales and Rental Agencies
6. Eating and Drinking Establishments – Restaurants, Short-Order Eating Places, Taverns, Bars or Brew Pubs
7. Food and Beverage Retail Sales – Groceries, Liquor Stores, Retail Sales of Food, or Delicatessens
8. Fuel Sales
9. Lodging – Motels, Hotels, and Bed and Breakfasts, excluding emergency shelters
10. Repair Services – Appliance Repair Shops, Apparel Repair Firms or Instrument Repair Firms
11. Retail Sales – Businesses Engaged in Sale of Commonly Used Goods and Merchandise, Excludes Medical Marijuana and Recreational Marijuana
12. Transportation Services – Taxi Services and Bus Depots

C. CONDITIONAL USES:

1. Extensive Impact Services and Utilities – Limited to Public Safety Buildings, Police Stations, Wells, Parks, Wireless Communication Facilities, or Other Communication Structures, Substations, and Electrical Generation Facilities
2. Lodging: Campground – Recreational Vehicle Parks
3. Lodging: Resort – Resort and Recreational Facilities, Health Spas, Resort Hotels and Motels
4. Public Research Area – Governmental, Educational, Public or Non-Profit Operated Buildings or Land Dedicated to Pure or Applied Scientific Discovery in Fields of Agriculture, Wildlife Management, Forestry, Geology, Archaeology, Ecology, Astronomy
5. Religious Assembly – Religious Services Involving Public Assembly as Occurs in Synagogues, Temples and Churches

Exhibit B

LDC 3252, Series 2021, SECTION 2.2.009 – GENERAL COMMERCIAL (GC)

A. PURPOSE: The purpose of this zone is to provide the full range of retail goods and services serving a large area which normally requires a large space for development.

B. PERMITTED USES:

1. Accessory Structures – Caretaker's Residences, Garages, Sheds for Storage of Lawn Equipment or Wood, and Signs
2. Administrative and Professional Services – Administrative Offices, Legal Financial, Insurance, Real Estate, Architectural, Engineering, Surveying, Consulting Offices and Business Support Services
3. Animal Sales and Services: Grooming – Dog Bathing and Clipping Salons or Pet Grooming Shops
4. Animal Sales and Services: Kennels – Boarding Kennels, Animal Shelters, Pet Motels, Dog Training Centers, or Breeding Establishments
5. Animal Sales and Service: Pet Sales/Shops – Sales of Aquatic and Small Animals, and Animal-Related Supplies and Services.
6. Animal Sales and Services: Veterinary, Small Animals – Pet Clinics, Dog and Cat Hospitals or Animal Hospitals
7. Automotive and Equipment: Cleaning – Auto Laundries, Auto Detailing, or Car Washes
8. Automotive and Equipment: Fleet Storage – Taxi Fleets, Mobile Catering Truck Storage or Auto Storage Garages
9. Automotive and Equipment: Parking – Commercial Parking Lots or Garages
10. Automotive and Equipment: Repairs, Light Equipment – Muffler Shops, Auto Repair Garages or Auto Glass Shops
11. Automotive and Equipment: Sales/Rentals, Light Equipment – Automobile Dealers, or Car Rental Agencies or Recreational Vehicles Sales and Rental Agencies
12. Building Maintenance Services – Janitorial, Landscape Maintenance, or Window Cleaning Services
13. Business Equipment Sales and Services – Office Equipment and Supply Firms, Small Business Machine Shops or Hotel Equipment and Supply Firms
14. Communications Services – Television Studios, Radio Stations and Telecommunication Service Centers
15. Community Education – Public, Private and Parochial Pre-Elementary, Elementary, Junior High and Senior High School, Junior Colleges, Colleges, Universities and Trade Schools
16. Community Recreation – Recreational, Social or Multi-Purpose Uses Within Buildings
17. Construction Sales and Services – Building Materials Stores, Tool and Equipment Rental or Sales
18. Cultural Exhibits and Library Services – Museum-Like Preservation and Exhibition of Works of Art or Library Collection
19. Day Nurseries
20. Dwellings – Limited to Residential Units within existing buildings that were originally designed and constructed exclusively for residential occupancy. Buildings that were not originally constructed exclusively for residential occupancy are limited to Residential Units Below Ground Level and in the Second and Higher Floors and/or Twenty-Five Percent (25%) of the Ground Floor of Commercial Buildings, or Greater than Twenty-Five Percent (25%) With a Conditional Use Permit, provided that Commercial Store Fronts are Maintained on the Street Front. Home Occupations are Allowed in Such Family Residential Units Subject to the Provisions of Article 8.11 of This Code.
21. Eating and Drinking Establishments – Restaurants, Short-Order Eating Places, Taverns, Bars or Brew Pubs
22. Family Daycare Providers
23. Food and Beverage Retail Sales – Supermarkets, Groceries, Liquor Stores, Brew Pubs, Retail Sales, Bakeries, or Delicatessens

24. Fuel Sales – Passenger and Light Truck Service Stations, Filling Stations - Excluding Truck Stops, Storage or Sales of Liquefied Petroleum Gas
25. General Industrial: Limited to Custom Manufacturing – Ceramic Studios, Candle-Making Shops or Custom Jewelry Manufacture
26. Laundry Services – Laundry Agencies, Diaper Services or Linen Supply Services
27. Lodging – Motels, Hotels, and Bed and Breakfast Inns, excluding emergency shelters
28. Medical Services – Medical Clinics, Dental Clinics, Chiropractic Clinics, Medical and Dental Laboratories or Allied health professionals
29. Participant Sports and Recreation – Limited to Bowling Alleys, Arcades, Youth Centers, Martial Arts Studios, Dance Studios, Health/Fitness Clubs, Gymnasiums or Billiard Parlors, Miniature Golf Courses and Driving Ranges Within Enclosed Buildings
30. Personal Services – Photography Studios, Barber Shops, Hair Salons, or Massage Therapy
31. Postal Services – Mailing and Shipping Services Excluding Major Processing and Distribution Centers
32. Repair Services – Appliance Repair Shops, Apparel Repair Firms or Instrument Repair Firms
33. Retail Sales – Businesses Engaged in Retail Sale of Goods and Merchandise, Excludes Medical Marijuana and Recreational Marijuana
34. Spectator Sports and Entertainment - Limited to Indoor Theater, Service Club and Membership Organizations, and Social and Fraternal Orders, Excluding sports stadiums and arenas.
35. Transportation Services – Taxi Services and Bus Depots
36. Wholesaling, Storage, and Distribution: Light – Limited to wholesale buying operations within buildings not to exceed 5,000 square feet total.

C. CONDITIONAL USES:

1. Animal Sales and Services: Veterinary, Large Animals – Animal Hospitals or Veterinary Hospitals
2. Automotive and Equipment: Repairs, Heavy Equipment – Truck Transmission Shops, Body Shops or Motor Freight Maintenance Groups
3. Automotive and Equipment: Sales/Rentals, Farm Equipment – Farm Equipment Dealers
4. Extensive Impact Services and Utilities – Limited to Fairgrounds, Public Safety Buildings, Police Stations, Fire Stations, Ambulance Services, Helistops, Wells, Parks, Community Gardens, Wireless Communication Facilities, or Other Communication Structures, Substations, and Electrical Generation Facilities
5. Funeral and Interment Services: Cremating - Crematoriums
6. Funeral and Interment Services: Undertaking – Funeral Homes or Mortuaries
7. Fuel Sales - Limited to Truck Stops
8. Lodging: Campgrounds
9. Lodging: Resorts and Emergency Shelters
10. Marijuana Facilities – Marijuana Retailers, Marijuana Testing, and Medical Marijuana Dispensaries (See Article 3.21)
11. Off-Premise Advertising Signs
12. Open Sales Lot – Sale and/or Rental of New/Used Manufactured Homes, Prefabricated Structures or Any Other Good or Service Sold and/or Displayed in an Outdoor Environment
13. Participant Sports and Recreation – Limited to indoor shooting ranges and those uses conducted in open facilities, such as golf courses and outdoor driving ranges.
14. Public Research Area – Governmental, Educational, Public or Non-Profit Operated Buildings or Land Dedicated to Pure or Applied Scientific Discovery in Fields of Agriculture, Wildlife Management, Forestry, Geology, Archaeology, Ecology, Astronomy
15. Religious Assembly – Religious Services Involving Public Assembly as Occurs in Synagogues, Temples and Churches
16. Research Services – Electronics Research Laboratories, Space Research and Development Firms, Soil and Material Testing Labs, or Pharmaceutical Research Labs
17. Spectator Sports and Entertainment – Limited to Sports Stadiums and Arenas
18. Wholesaling, Storage, and Distribution: Storage - Limited to Mini-Storage and Building Contractors

APPLICATION FOR LAND USE REVIEW

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning Division
1000 Adams Avenue, P.O. Box 670
La Grande, OR 97850
(541) 962-1307
Fax (541) 963-3333



LAND USE APPLICATIONS

- | | | |
|---|---|---|
| <input type="checkbox"/> Annexation Petition | <input type="checkbox"/> Land Development Code Amendment | <input type="checkbox"/> Site Plan Review |
| <input type="checkbox"/> Appeal of Planning Division Decision | <input type="checkbox"/> Land Use Approval Time Extension | <input type="checkbox"/> Segregation of Tax Lot |
| <input type="checkbox"/> Appeal of Planning Commission Decision | <input type="checkbox"/> Livestock Permit | <input type="checkbox"/> Sign Permit |
| <input type="checkbox"/> Appeal of Landmarks Commission Decision | <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Comprehensive Plan Document or Map Amendment | <input type="checkbox"/> Major Land Partition | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Minor Land Partition | <input type="checkbox"/> Variance - Administrative |
| <input type="checkbox"/> Duplex Division | <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Variance - Commission |
| <input type="checkbox"/> Fence Height Waiver | <input type="checkbox"/> Preliminary Land Use Review | <input type="checkbox"/> Wetland Development Permit |
| <input type="checkbox"/> Floodplain Development Permit <i>(Separate Applic. Required)</i> | <input type="checkbox"/> Public Right-of-Way Encroachment | <input type="checkbox"/> Zoning Approval |
| <input type="checkbox"/> Geologic Hazard Site Plan | <input type="checkbox"/> Public Right-of-Way Dedication | <input checked="" type="checkbox"/> Zone Change Designation |
| <input type="checkbox"/> Historical Landmarks Review | <input type="checkbox"/> Public ROW Vacation <i>(Separate Applic. Required)</i> | <input type="checkbox"/> |
| <input type="checkbox"/> Home Occupation Permit | | |
| <input type="checkbox"/> | | |

OWNER/APPLICANT INFORMATION

Applicant/Agent: <u>Cindy</u>	Land Owner: <u>Braseth A - Secured Properties</u>
Mailing Address: <u>1315 Jefferson Ave</u>	Mailing Address: <u>1315 Jefferson Avenue</u>
City/State/Zip: <u>La Grande, OR 97850</u>	City/State/Zip: <u>La Grande, OR 97850</u>
Telephone: <u>541-963-2331</u>	Telephone: <u>541-963-2331</u>
Fax: <u>541-963-9133</u>	Fax: <u>541-963-9133</u>
Email: <u>mtwest@mountainwestmoving.com</u>	Email: _____

PROJECT INFORMATION

Site Address: <u>2407 East A Avenue</u>	Description: <u>Underdeveloped</u>
Legal Desc.: T <u>3</u> S, R <u>30</u> E, Section <u>04CC</u> , Tax Lot <u>1700</u>	<u>Commercial lot located in the heart</u>
Project Value: _____ <i>(Based on contractors bid estimate.)</i>	<u>of a commercial district.</u>

APPLICANT/OWNER CERTIFICATION

The applicant/owner understands and agrees that:

- The applicant/owner assumes all legal and financial responsibilities for establishing and clearing marking the location of all necessary property lines as determined necessary by the City for the proposed development;
- Building setbacks shall be measured from an established property line, not from the street, curb, sidewalk, or other improvement that is not based on a recorded survey;
- Any approvals associated with this request may be revoked if found in conflict with information represented in this application;
- The approval of this request does not grant any right or privilege to erect any structure or use any premises described for any purposes or in any manner prohibited by City of La Grande ordinances, codes or regulations;
- The applicant hereby authorizes City officials of the City of La Grande to enter the property and inspect activity in conjunction with the proposed development project.
- **ASBESTOS:** If the project includes demolition, Oregon law may require an asbestos inspection by an accredited inspector. The applicant/owner hereby understands and agrees to have an asbestos inspection performed, if required by law, and to have a copy of the inspection report available on-site for the duration of the project.

Applicant Signature: [Signature]

Owner Signature: [Signature]

APPLICATION FOR LAND USE REVIEW

PAGE 2

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning Division
1000 Adams Avenue, P.O. Box 670
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(541) 962-1307
Fax (541) 963-3333



STAFF USE ONLY FOR ZONING APPROVAL

Project Elements:

- Demolition New Structure
 Addition to Structure Alterations/Repairs

Demolition Defined: "Any wrecking that that involves the removal of any load-supporting structural member or intentional burning."

Dwelling Standards: 1 2 3 4 5 6 7 8 9 10 11 12 N/A
Required for MH/SF/Duplex & Apartments [Section 3.2.003]

Access. Bldg. Standards Met: Yes No N/A *[Article 5.9]*

Setbacks Met: Yes No *[Article 5.3]*

Front: _____ Left: _____ Right: _____ Rear: _____

Livestock setbacks: _____

Floodplain: Yes No Zone: _____ BFE: _____

*If yes, an Elevation Certificate may be required
If yes, a Floodplain Development Permit may be required. [Article 3.12]*

Geologic Hazard Zone: Yes No

If yes, a Geologic Hazard Waiver is required. [Article 3.4]

Riparian Zone/Wetlands: Yes No

If yes, a wetland delineation and DSL Permit may be required. [Articles 3.9 and 3.19]

Fire Protect. Agrmt. Req.: Yes No *[Article 3.2]*

Parks & Recreation SDC: Yes No *[Article 7.1]*

ROW Improvement Req.: Yes No *[Article 6.3]*

LID Agreement Req.: Yes No *[Article 6.3]*

Zone: IC

Date Approved: _____

Date Submitted: **City of La Grande**

File Number: 04-20N-22

Application Fee: 300.00

Receipt Number: _____

OCT 08 2022

Received
Planning/Economic Dev Dept.

COMMENTS: _____

Land Use Application Fee Schedule

Annexation Petition	\$1000	Minor Land Partition	\$250 + \$5/lot
Appeal of Planning Division Decision	\$75	Planned Unit Development	\$500 + \$5/lot + Actual Costs for Advertising and Public Notice
Appeal of Planning Commission/Landmarks Commission Decision	\$150	Public Right-of-Way Encroachment	\$50 + Document Recording Fees
Comprehensive Plan Designation Change	\$300 + Actual Costs for Advertising and Public Notice	Public Right-of-Way Dedication	\$0
Comprehensive Plan Document Amendment	Actual Costs	Public Right-of-Way Vacation	Actual Costs
Conditional Use Permit	\$375	Preliminary Land Use Review (Pre-Application Meeting)	\$0
Duplex Division	\$250 + \$5/lot	Segregation of Tax Lot	\$25
Fence Height Waiver	\$25	Sign Permit	\$75
Floodplain Development Permit	\$75	Site Plan Review - New/Expansion	\$75 (Projects \$0-\$50k) \$150 (Projects \$50k-\$100k) (+ \$0.50/\$1000 over \$100k)
Geologic Hazard Site Plans	\$75	Subdivision	\$500 + \$5/lot + Actual Costs for Advertising and Public Notice
Historical Landmarks Review	\$75	Temporary Use Permit	\$125
Home Occupation Permit	\$75	Variance Permit (Administrative)	\$175
Land Development Code Amendment	Actual Cost	Variance Permit (Planning Commission)	\$450
Land Use Approval Time Extension	\$25	Wetland Plan Review	\$75
Lot Line Adjustment	\$150	Zone Change/LDC Amendment	\$300 + Actual Costs for Advertising and Public Notice
Livestock Permit	\$25	Zoning Approval	\$25.00
Major Land Partition	\$500 + \$5/lot		

**Applications based on actual costs require a deposit to cover the estimated fees. If there is a shortage of funds discovered during the review process, an additional deposit may be required to be paid. Any surplus or deficit of fees paid will be refunded or billed to the applicant.*

**Application fee for multiple planning actions is equal to the greatest single fee, not the sum of all fees.*

**Application fee may be increased to include third party engineering and/or consulting fees when required.
S:\Community Development\PLANNING\FORMS\APPLICATIONS\Version 2021\Land Use Application.docx*

SITE PLAN

1702 21ST St, La grande OR, 97850



Purpose:

To effectively improve the appeal, use and aesthetic of the existing property. Its current state is underdeveloped, unsightly, and carries low economic impact.

A-Secured Properties, LLC intends to demolish/remove existing buildings and erect new, modernized buildings suitable for storage of personal and/or commercial use. This is not possible under current zoning designation. A zoning change from IC to GC is necessary to meet our business venture goals. We recognize that this property is in desperate need of improvement. None of the permitted uses under IC zoning are suitable for us. GC zoning would allow us to expand our current business and customer base.

To be noted, the lot directly abutting ours to the west is vacant and zoned for IC. This lot would be better served by changing its zoning designation from IC to GC as well, thus creating a broader opportunity for business development in this area.

The IC zoning designation is limiting business opportunity in this area.

The GC zoning offers more options for new business ventures.

SECTION 8.6.003 – REVIEW PROCEDURE

Review Criteria:

A: Comprehensive Plan & Land Development Code – relative items

- Goal 2 - Policy 3:

*Personal and commercial storage facilities are in high demand currently. We rarely have available units, and many of our tenants are long term. We get several calls per day looking for available storage in La Grande, and are often met with ‘there are none available in town’.

*With 3 apartment complexes within 1 city block alone of this location, the need for storage of personal belongings would be high. There are additional apartment complexes nearby this location and an additional one being built. The need for storage of household goods and personal belongings will likely grow.

*The need for commercial storage and ‘shop space’ is growing. This year alone, we created 4 commercial shops, of varying sizes, and filled them with small business tenants in *less than one week*. Two of which are established, well known businesses in the community.

- Goal 2 - Policy 7:

*Creating personal belonging and household good storage will be a considered convenience for anyone looking to rent a nearby apartment.

*When the proposed upgrades to the location are finished, we expect an increase in consumerism relative to it. A new small business in our location would tend to shop at the nearby conveniences.

- Goal 2 - Policy 11

*We do not anticipate an increase to objectionable characteristics. Our proposed zone change will not differ much from its current zoning nor its surrounding properties of the same and like same zoning.

- Goal 6 – Policy 1

*Although we do not anticipate an increase in emitting noise and/or air pollution, there are very few residences/homes within immediate proximity that could be adversely

affected. With upgraded buildings, there will most likely be *less* noise and/or air pollution.

- *Goal 6 – Policy 2*
 - *With very little change on the nature of the business and very few residences in the area, a the buffer/transition zone could be satisfied with attractive landscaping. Introducing greenery and plant life would also aid in combatting any possible air pollution or objectionable noise.
- *Goal 9 – Policy 1*
 - *Shop spaces are a great example of offering growth to existing and new small businesses. It's the 'next step' for many small business owners in growing their physical capacity without the commitment of building or purchasing when they're not ready.
- *Goal 9 - Policy 8*
 - *Any improvement to this site will be an improvement to the area's aesthetic nature.
- *Goal 9 - Policy 10*
 - *Although the proposed business may not fall into the 'highway oriented' category, we can tell you from experience that having a storage facility located near an interstate is convenient for those moving to or new to the area.
- *Goal 9 - Policy 11*
 - *Having storage facilities in close proximity to both residential (especially small dwellings/apartments) and commercial properties has proved to be convenient. In addition, should it draw more people to the area for use, it would coincidentally increase economic flow to surrounding businesses as well.
- *Goal 9 - Policy 12*
 - *The existing property is accessible from at least 4 city streets and 2 major thoroughfares.

Review Criteria Continued -

B: *Property affected by the zone designation change*

*Example lot #600 map 03s3804cd – this lot hosts La Grande Auto Repair. The lot is similar in size and proximity to the interstate. This lot appears to be a comfortable size for its business, customers, and guests.

C: *Property affected by the proposed zone designation change – adequate service in conformance with Oregon Transportation Planning Rule*

*The property is currently accessible via 4 developed city streets and 2 main thoroughfares. The surrounding businesses are well established and are currently accessible and served by the same developed city streets and thoroughfares seemingly with ease. Given the proposed developments, a significant increase in vehicle traffic is not anticipated. The majority of lots in this area are zoned GC, so it would be fair to assume that a change in zoning in this area, specifically for this location, would have little to no impact on vehicle traffic. Examples of businesses and current lot zoning in this area:

*Majority of adjacent lots to the east and to the south are currently zoned GC.

McDonalds	– zoned IC
Wendy’s	– zoned IC
3 major apartment complexes	– all zoned GC
Larger more substantial storage facility	- zoned GC

D: Potential adverse effects on abutting properties

*Specifically relative to abutting properties. Adverse effects would be minimal to none in reality. The west abutting lot is vacant and the north abutting lot is the back side of a hotel. Visual impacts to the north property would be of a positive nature, as any improvement to this area would be positive. Developing the lot in question, and changing the zoning from IC to GC may entice future business ventures to the lot abutting west. In this case and use the adverse impacts of rezoning would be minimal to none, as the proposed intent and changes will remain consistent with the current use and commerce of the surrounding area. Zones IC and GC are very similar *except* that rezoning to GC will provide a greater opportunity for commerce growth and improvement on this lot.

**CITY of LA GRANDE
ORDINANCE NUMBER _____
SERIES 2023**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LA GRANDE, OREGON, REZONING PROPERTY FROM INTERCHANGE COMMERCIAL
GENERAL COMMERCIAL ON THE ZONING MAP; AND DECLARING AN EFFECTIVE DATE**

WHEREAS, the applicant, A-Secured Properties, applied for a Zoning Change Designation, File Number 04-ZON-22, to rezone two (2) parcels of land located at 2407 East Q Avenue and 1702 12st Street from Interchange Commercial to General Commercial; and,

WHEREAS, with the applicant's support, the City of La Grande Community Development Department-Planning Division engaged as a partner to expand the application to rezone additional properties within the same subdivision block, and which were developed with non-conforming/grandfathered uses in the Interchange Commercial Zone, and which would become conforming/permitted use in the General Commercial Zone; and,

WHEREAS, the City of La Grande Community Development Department-Planning Division reached out to affected property owners via letter, to advise of proposed rezone and solicit support; and,

WHEREAS, notice was provided electronically to the Oregon Department of Land Conservation and Development (DLCD) at least thirty-five (35) days in advance of the first Public Hearing using DLCD's electronic submittal process; and,

WHEREAS, the proper notices were published in *The Observer*, which is a local newspaper of general circulation; mailed to property owners within one hundred feet (100') of affected property; and, posted on the property and in City Hall, duly advertising the City Council Public Hearings to consider the application; and,

WHEREAS, the applications were found to conform to the standards and procedures set forth in the City of La Grande Land Development Code Ordinance Number 3252, Series 2021, Article 8.6 – Zone Designation Change; and,

WHEREAS, the City of La Grande Planning Commission and City Council conducted Public Hearings to receive public testimony on the Ordinance rezoning said property.

NOW, THEREFORE, THE CITY OF LA GRANDE ORDAINS AS FOLLOWS:

SECTION 1. That the City of La Grande Zoning Map be amended to change the zoning designation for the following properties from Interchange Commercial to General Commercial, as depicted in Exhibit "A":

All of Lots 1, 2, 3, 4, 5 and 6, in Block 2 of HOME INVESTMENT ADDITION to La Grande, Union County, Oregon.

Said tract containing approximately 248,040 square feet (5.69 acres).

Situated in the City of La Grande, Union County, Oregon; and, also described as being the following properties:

- 2304 East R Avenue, T3S, R38E, Section 04CC, Tax Lot 100.
- 2311 East Q Avenue, T3S, R38E, Section 04CC, Tax Lot 200.
- 2410 East R Avenue, T3S, R38E, Section 04CC, Tax Lot 201.
- 1702 21st Street, T3S, R38E, Section 04CC, Tax Lot 1600.
- 2407 East Q Avenue, T3S, R38E, Section 04CC, Tax Lot 1700.
- 1701½ Albany Street, T3S, R38E, Section 04CC, Tax Lot 2000.
- 1703 Albany Street, T3S, R38E, Section 04CC, Tax Lot 2100.
- 1701 Albany Street, T3S, R38E, Section 04CC, Tax Lot 2200.

SECTION 2. That the City Council adopts the Findings of Fact and conclusions set forth in the City Council Decision Order, dated April 5, 2023.

SECTION 3. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption by the City Council of the City of La Grande, Oregon, and its approval by the Mayor; specifically, May 5, 2023.

ADOPTED this Fifth (5th) day of April, 2023, by _____ (____) of _____ (____) Councilors present and voting in the affirmative.

APPROVED this Fourth (4th) day of October, 2017.

Justin Rock, Mayor

ATTEST:

Stacey M. Stockhoff
City Recorder

EXHIBIT 'A'

Rezone From Interchange Commercial to General Commercial

- 2304 East R Avenue, T3S, R38E, Section 04CC, Tax Lot 100.
- 2311 East Q Avenue, T3S, R38E, Section 04CC, Tax Lot 200.
- 2410 East R Avenue, T3S, R38E, Section 04CC, Tax Lot 201.
- 1702 21st Street, T3S, R38E, Section 04CC, Tax Lot 1600.
- 2407 East Q Avenue, T3S, R38E, Section 04CC, Tax Lot 1700.
- 1701½ Albany Street, T3S, R38E, Section 04CC, Tax Lot 2000.
- 1703 Albany Street, T3S, R38E, Section 04CC, Tax Lot 2100.
- 1701 Albany Street, T3S, R38E, Section 04CC, Tax Lot 2200.



CITY of LA GRANDE

COUNCIL ACTION FORM

Council Meeting Date: **April 5, 2023**

PRESENTER: Kyle Carpenter, Public Works Director

COUNCIL ACTION: PUBLIC HEARING AND FIRST READING BY TITLE ONLY OF PROPOSED ORDINANCE TO CONSIDER FINAL LOCAL IMPROVEMENT DISTRICT ASSESSMENTS

1. **MAYOR:** Open the Public Hearing and ask the City Recorder to read the Rules of Order in their entirety.
2. **MAYOR:** Request Staff Report
3. **MAYOR:** Invite Public Testimony from those in Favor, in Opposition, and ending with those Neutral to the proposed Ordinance.
4. **MAYOR:** Invite Council Discussion.
5. **MAYOR:** Ask the City Recorder to Read the proposed Ordinance for the First Time by Title Only.
6. **MAYOR:** Announce that the Public Hearing is continued to May 3, 2023, at which time the proposed Ordinance is scheduled to be read a Second Time by Title Only and considered for Adoption.

EXPLANATION: Council established a City Wide Voluntary Sidewalk Local Improvement District for the year 2022 during the May 4, 2022, Regular Session City Council Meeting. A Local Improvement District offers property owners a way to improve their property and maintain existing sidewalks within the right-of-way. This process assists in facilitating sidewalk repair work upon property owner request and approval.

The 2022 Voluntary Sidewalk Local Improvement District Number 22-067 ended December 31, 2022, with the total cost of projects repaired under the LID being \$7,422.00. Staff monitored approximately 685 square feet of sidewalk repairs, and other associated sidewalk project work throughout La Grande during 2022, where property owners utilized the citywide concrete contractor.

Council accepted the Final Study and Report during the March 1, 2023, Regular Session City Council Meeting.

The City Manager recommends that the City Council proceed with the First Reading by Title Only of the proposed Ordinance.

Reviewed By: (Initial)

City Manager _____
 City Recorder _____
 Aquatics Division _____
 Building Department _____
 ED Department _____
 Finance _____
 Fire Department _____

Human Resources Dept _____
 Library _____
 Parks Department _____
 Planning Department _____
 Police Department _____
 Public Works Department _____

COUNCIL ACTION (Office Use Only)

- Motion Passed
 Motion Failed; _____
 Action Tabled: _____
 Vote: _____
- Resolution Passed
 Effective Date: _____
- Ordinance Adopted
 First Reading: _____
 Second Reading: _____
 Effective Date: _____

RULES OF ORDER FOR A PUBLIC HEARING

The following is a step-by-step description of the order of events necessary to hold a Public Hearing.

CITY RECORDER READS TO THE PUBLIC:

- A. This is a Public Hearing to Consider an Ordinance establishing final assessments for the 2022 City Wide Sidewalk Local Improvement District Number 22-067.
 - B. The Hearing will proceed as follows:
 - 1. The Mayor will request the Staff Report. Subsequent to the Staff Report, the Mayor will accept testimony relating to the Local Improvement District. The Mayor may state a time limit for testimony; if no time limit is announced, testimony will be limited to three minutes.
 - 2. The proceedings are being electronically recorded, to be converted to written Minutes. When testifying, please step to the podium and clearly print your name and address on the speaker sign-in sheet. State only your name before addressing the Council; it is not necessary to state your address.
 - 3. Proponents will be invited to speak first, followed by opponents, and then any parties neutral to the application. An opportunity will be provided to parties to clarify any issues raised or to rebut testimony, first by proponents, followed by opponents, then those neutral.
 - 4. Members of the City Council may ask questions of the Staff or Hearing participants at any time. The Mayor will then close the Hearing or continue the Hearing at a specified time and place.
 - C. A Councilor must declare any ex parte or pre-hearing contact, including the person's name and the nature of the discussion, as well as any site visitations. Councilors should declare any personal or financial interest in this matter and may disqualify themselves from participation in the Hearing.
Does any Councilor wish to make a declaration?
 - D. Does anyone in the audience wish to challenge the right of any Councilor to hear this matter?
Let the Record show that [there are no challenges] OR
-

CITY OF LA GRANDE
ORDINANCE NUMBER _____
SERIES 2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, ESTABLISHING THE FINAL ASSESSMENTS TO THE PROPERTY DETERMINED TO BE SPECIFICALLY BENEFITED BY THE 2022 CITY WIDE VOLUNTARY SIDEWALK LOCAL IMPROVEMENT DISTRICT NUMBER 22-067; AND DECLARING AN EFFECTIVE DATE

THE CITY OF LA GRANDE ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of La Grande, Union County, Oregon, has considered the final assessments of the property benefited by *City Wide Voluntary Sidewalk Local Improvement District Number 22-067*, which was constructed according to the plans and specifications for the work in said District, heretofore adopted by the City Council of the City of La Grande, Union County, Oregon.

The City Council of the City of La Grande, Union County, Oregon, hereby ascertains and determines the sum of *Seven Thousand Four Hundred Twenty Two and 00/100 DOLLARS (\$7,422.00)* to be the final cost of said Sidewalk Improvements; the real property hereinafter described to be specifically benefited by said improvements; that special and peculiar benefits accrued to each tract within said District; and that said assessments have been apportioned among all of the tracts of said property abutting upon, fronting, contiguous and tributary to such improvements and within the boundaries of the Improvement District created for the purpose of making such improvements to the extent of the benefit of such tract of real property by reason of the improvements and in no case in excess of the benefits received.

The City Council of the City of La Grande, Union County, Oregon, also ascertains and determines that the amount set opposite the description or number of each tract(s) is the amount for which said tracts of real property is proposed to be assessed, as shown below.

OWNER	PROPERTY ADDRESS	LEGAL DESCRIPTION	SEC.	TAX LOT	TOTAL LID DUE
New Day Enterprises, Inc.	1502 Washington Ave	All of Lot numbered four (4) of the Heidenreich's Subdivision of Block 10 (10) of Coggan's Addition.	08BA	7300	\$ 1,710.00
William Johnson	1501 Jackson Ave	All of Lots numbered eighteen (18), nineteen (19), and twenty (20) of Block twenty-six (26) of the Corrected Plat of Predmore Addition.	05CA	800	\$ 5,712.00
					\$ 7,422.00

Section 2. That the Finance Director or designee of the City of La Grande, Union County, Oregon, is hereby authorized and directed to prepare a special assessment roll in accordance with the foregoing proposed assessments or the proposed assessments as adjusted by the City Council after considering objections thereto.

Section 3. That the Finance Director or designee of the City of La Grande, Union County, Oregon, shall complete the special assessment roll in accordance with the provisions of this Ordinance and shall, without delay, by Certified Mail, transmit a Notice of Final Assessment to the owner of the assessed property of the time when such assessment shall become due and also stating that such assessments may be paid in installments, provided each property owner desiring to do so makes application therefor within ten (10) days from the date of such Notice. Said application to pay installments will be made under the provisions of Oregon Revised Statutes, Section 223.205, to and including Section 223.295, commonly known as the *Bancroft Bonding Act*. Interest on the

unpaid assessment shall be established by the City Council of the City of La Grande, Union County, Oregon, at a rate not to exceed nine percent (9%) per annum, as set forth by appropriate Oregon law.

Section 4. That such assessment shall become due and payable immediately after the final assessments have been entered into the *City Lien Docket* and shall be delinquent thirty (30) days thereafter if unpaid.

Section 5. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after its adoption by the City Council of the City of La Grande, Union County, Oregon, and its approval by the Mayor; specifically, June 2, 2023.

ADOPTED and APPROVED on this Third (3rd) day of May, 2023, by _____ (____) of _____ (____) Councilors present and voting in the affirmative.

Justin B. Rock, Mayor

ATTEST:

Stacey M. Stockhoff
City Recorder

CITY of LA GRANDE
COUNCIL ACTION FORM

Council Meeting Date: April 5, 2023

PRESENTER: Kyle Carpenter, Public Works Director

COUNCIL ACTION: CONSIDER AWARDING BID FOR THE HEADWORKS IMPROVEMENTS – 2023 PROJECT

- 1. MAYOR: Request Staff Report
- 2. MAYOR: Invite Public Comments
- 3. MAYOR: Invite Council Discussion
- 4. MAYOR: Entertain Motion

Suggested Motion: I move that we award the Headworks Improvements - 2023 Project to **Michael A. Becker General Contractor, Inc.**, in the amount of **\$939,100**, as shown in the Bid Summary, and, further, that City Manager Strope be authorized to execute the contract documents for the bid for the Headworks Improvements - 2023 Project.

- 5. MAYOR: Invite Additional Council Discussion
- 6. MAYOR: Ask for the Vote

EXPLANATION: The proposed project will construct a new headworks facility at the Waste Water Treatment Plant, which will include the placement of a second screen, construction of a new metal building, and the widening of the existing lagoon dike. When constructed, the new headworks facility will provide better protection from wind and winter conditions for the influent screens, as well as provide needed redundancy during equipment maintenance. Completion of this project will also increase the maximum flow capacity (with treatment) of the plant which will be beneficial during increased storm flows. The proposed project will utilize existing equipment including the current influent screen, grinders, and an emergency bypass pump. This Bid Award will allow staff to proceed with the execution of this project.

Staff contracted with Anderson Perry who advertised for competitive bids and received **two (2)** qualified bids, with an apparent low bid of **\$939,100**, from **Michael A. Becker General Contractor, Inc.**, of **La Grande, Oregon**. Preliminary discussion with the engineer and bidders indicate that the project will take place sometime in the summer/early fall of 2023. The amount budgeted for this work is \$1,000,000.

The City Manager recommends awarding the bid as presented by Staff.

Reviewed By: (Initial)

City Manager _____
 City Recorder _____
 Aquatics Division _____
 Building Department _____
 ED Department _____
 Finance _____
 Fire Department _____

Human Resources Dept _____
 Library _____
 Parks Department _____
 Planning Department _____
 Police Department _____
 Public Works Department _____

COUNCIL ACTION (Office Use Only)

- Motion Passed
- Motion Failed; _____
- Action Tabled: _____
Vote: _____
- Resolution Passed # _____
Effective Date: _____
- Ordinance Adopted # _____
First Reading: _____
Second Reading: _____
Effective Date: _____

March 9, 2023

Kyle Carpenter, Public Works Director
City of La Grande
800 X Avenue
La Grande, Oregon 97850

RE: City of La Grande, Oregon - Headworks Improvements - 2023
Award of Construction Contract

Dear Kyle:

The bid opening for the City of La Grande, Oregon - Headworks Improvements - 2023 project was held on March 7, 2023. Two bids were received. The apparent low bidder for the project is Michael A. Becker General Contractor, Inc. A tabulation of bids received is attached. The total bid amounts for the two bidders are summarized on the following table.

Bidder	Total Bid Price
Michael A. Becker General Contractor, Inc.	\$939,100.00
R&G Excavating, Inc.	\$1,113,820.00


The total bid amount for the apparent low bidder is over the Engineer's Estimate of \$731,000.00, but we consider this a reasonable bid price. We have reviewed the Bid and the accompanying documents provided in the Bidder's Packet as submitted by Michael A. Becker General Contractor, Inc., and their bid appears to be responsive. We have reviewed the State of Oregon Contractors Board website, and it appears the license held by Michael A. Becker General Contractor, Inc., is in good standing. We see no reason why Michael A. Becker General Contractor, Inc., is not qualified to perform the work called for in the Contract Documents.

After you sign the attached Notice of Intent to Award Contract, we will email the form to both bidders on March 10, 2023, in anticipation of an eventual award by the City. March 10, 2023 will begin the seven-day protest period. If no protests are received and the City elects to award the bid, we will have the City execute the Notice of Award, then we will forward the Contract forms to Michael A. Becker General Contractor, Inc., on March 17, 2023.

If you have any questions, please call me.

Sincerely,

ANDERSON PERRY & ASSOCIATES, INC.

By 
Chas Hutchins, P.E.

CH/ct

Enclosures

cc: File No. 1309-130-55 (w/encl.)

G:\Clients\La Grande\Wastewater\1309-130 Headworks Improvements\Correspondence\Carpenter-Award.docx

BID TABULATION

ANDERSON PERRY & ASSOCIATES, INC.

P.O. Box 1107
La Grande, Oregon 97850

**PROJECT: City of La Grande, Oregon
Headworks Improvements - 2023**

OWNER: City of La Grande, Oregon
800 X Avenue
La Grande, Oregon 97850

Bid Opening: 2:00 p.m., March 7, 2023, at City of La Grande,
800 X Avenue, La Grande, Oregon 97850

BIDDERS

				Engineer's Estimate		Michael A. Becker General Contractor, Inc.		R&G Excavating, Inc.			
Item	Description	Unit	Amount	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Mobilization/Demobilization (not to exceed 10% of Total Bid Price)	L.S.	1	\$65,400.00	\$65,400.00	\$89,000.00	\$89,000.00	\$67,325.00	\$67,325.00		
2	Job Photos	Each	30	\$20.00	\$600.00	\$20.00	\$600.00	\$20.00	\$600.00		
3	Pipe and Wash Water Pump Station	L.S.	1	\$35,000.00	\$35,000.00	\$56,500.00	\$56,500.00	\$74,225.00	\$74,225.00		
4	Concrete Work	L.S.	1	\$230,000.00	\$230,000.00	\$248,000.00	\$248,000.00	\$459,200.00	\$459,200.00		
5	Overhead Hoist System	L.S.	1	\$15,000.00	\$15,000.00	\$18,000.00	\$18,000.00	\$58,000.00	\$58,000.00		
6	Metal Building	L.S.	1	\$160,000.00	\$160,000.00	\$215,000.00	\$215,000.00	\$182,000.00	\$182,000.00		
7	Equipment Installation and Setup for the Headworks	L.S.	1	\$70,000.00	\$70,000.00	\$98,000.00	\$98,000.00	\$74,500.00	\$74,500.00		
8	Electrical and Control Installation	L.S.	1	\$120,000.00	\$120,000.00	\$162,000.00	\$162,000.00	\$148,750.00	\$148,750.00		
9	Levee Earthwork	L.S.	1	\$5,000.00	\$5,000.00	\$14,000.00	\$14,000.00	\$7,670.00	\$7,670.00		
10	Site Restoration	L.S.	1	\$5,000.00	\$5,000.00	\$4,000.00	\$4,000.00	\$17,850.00	\$17,850.00		
11	Painting	L.S.	1	\$25,000.00	\$25,000.00	\$34,000.00	\$34,000.00	\$23,700.00	\$23,700.00		
				TOTAL BID PRICE	\$731,000.00		\$939,100.00 *		\$1,113,820.00		
	* Indicates math error.					<i>Total Shown on Bid Schedule</i>	<i>\$938,100.00</i>				

CITY of LA GRANDE
COUNCIL ACTION FORM

Council Meeting Date: April 5, 2023

PRESENTER: Kyle Carpenter, Public Works Director

COUNCIL ACTION: **CONSIDER APPROVING INTERGOVERNMENTAL AGREEMENT CITY OF LA GRANDE NATURAL HAZARDS MITIGATION PLAN UPDATE**

- 1. MAYOR: Request Staff Report
- 2. MAYOR: Invite Public Comments
- 3. MAYOR: Invite Council Discussion
- 4. MAYOR: Entertain Motion

Suggested Motion: I move that we authorize City Manager Strope to enter into an Intergovernmental Agreement with the Department of Land Conservation and Development for the update of City of La Grande’s Natural Hazards Mitigation Plan as presented.

- 5. MAYOR: Invite Additional Council Discussion
- 6. MAYOR: Ask for the Vote

EXPLANATION: Natural disasters occur when natural hazard events impact people, structures, and the environment. The dramatic increase in the costs associated with natural disasters over the past decades have fostered interest in identifying and implementing effective means of reducing these impacts. Natural hazards mitigation planning is a process for identifying and understanding the hazards facing a jurisdiction and prioritizing actions the jurisdiction can take to reduce injuries and deaths; damage to buildings, critical facilities, and infrastructure; interruption in essential services; economic hardship; and environmental harm. Reducing impacts also speeds up recovery and lowers costs.

The City of La Grande’s Multi-Jurisdictional Natural Hazards Mitigation Plan (NHMP) expired on June 5, 2019. The Department of Land Conservation and Development (DLCD) has received a Hazard Mitigation Grant Program (HMGP-PF-FM-5327) grant to assist the City with updating its NHMP. The final grant deliverable is a FEMA-approved NHMP. The grant’s Period of Performance ends in September, 2024, but is currently targeted for completion by January, 2024, to accommodate current City Project timelines. This grant generally requires a 25% non-federally-funded cost share; however, the cost share for this specific grant will be provided by the State of Oregon with funds appropriated under House Bill 5006 (2021). Therefore, the City of La Grande has no responsibility for providing any portion of the 25% cost share for this NHMP update, but will participate with staff time and some limited materials. City staff is requesting Council authorize the City Manager to enter into an agreement with DLCD for this project.

The City Manager recommends approval of this agenda item as presented by Staff.

Reviewed By: (Initial)

City Manager _____
 City Recorder _____
 Aquatics Division _____
 Building Department _____
 ED Department _____
 Finance _____
 Fire Department _____

Human Resources Dept _____
 Library _____
 Parks Department _____
 Planning Department _____
 Police Department _____
 Public Works Department _____

COUNCIL ACTION (Office Use Only)

Motion Passed
 Motion Failed; _____
 Action Tabled: _____
 Vote: _____

Resolution Passed # _____
 Effective Date: _____

Ordinance Adopted # _____
 First Reading: _____
 Second Reading: _____
 Effective Date: _____

INTERGOVERNMENTAL AGREEMENT

This Agreement is between the State of Oregon acting by and through its Department of Land Conservation and Development (“DLCD”) and the City of La Grande (“CITY”), each a “Party.”

1. Authority

This Agreement is authorized by ORS 190.110.

2. Effective Date

This Agreement is effective on the date of the last signature (“Effective Date”), and terminates September 26, 2024, unless terminated earlier in accordance with Section 8.

3. Background

Natural disasters occur when natural hazard events impact people, structures, and the environment. The dramatic increase in the costs associated with natural disasters over the past decades has fostered interest in identifying and implementing effective means of reducing these impacts. Natural hazards mitigation planning is a process for identifying and understanding the hazards facing a jurisdiction and prioritizing actions the jurisdiction can take to reduce injuries and deaths; damage to buildings, critical facilities, and infrastructure; interruption in essential services; economic hardship; and environmental harm. Reducing impacts also speeds up recovery and lowers its cost.

The Federal Emergency Management Agency (FEMA) approves Natural Hazards Mitigation Plans (NHMPs) meeting federal requirements at 44 CFR 201. Approval lasts five years. Having a current, FEMA-approved NHMP is a key factor in establishing eligibility for certain FEMA grants that fund natural hazards mitigation planning and projects.

The City of La Grande’s Multi-Jurisdictional NHMP expired on June 5, 2019. DLCD has received a Hazard Mitigation Grant Program (HMGP-PF-FM-5327) grant to assist CITY with updating the City of La Grande NHMP. The final grant deliverable is a FEMA-approved NHMP.

This grant requires a 25% non-federally-funded cost share. In general, jurisdictions’ services and expenses in performance of their project responsibilities comprise the cost share in kind. The cost share for this specific grant, this one time only, will be provided by the State of Oregon with funds appropriated under House Bill 5006 (2021). Therefore, City of La Grande has no responsibility for providing any portion of the 25% cost share for this specific NHMP update.

The grant’s Period of Performance, established by FEMA, ends September 26, 2024. The project’s targeted for completion by January 2024 as shown on Exhibit A, Scope of Work. While DLCD and the CITY will make every effort to maintain this schedule, it is understood that target dates are subject to change.

DLCD will submit the final draft City of La Grande NHMP to the Oregon Department of Emergency Management (OEM) and FEMA for review. Revisions may be required. Once all requirements are

met, FEMA will issue a letter indicating the City of La Grande NHMP is “approvable pending adoption (APA).” If the CITY accepts the APA version of the La Grande NHMP via resolution, DLCDC will forward a copy of the signed resolution to OEM and FEMA, and FEMA will issue a letter of final approval.

4. Purpose

The purposes of this Intergovernmental Agreement are to:

- (a) Formalize a working relationship between DLCDC and CITY that is to result in an updated City of La Grande NHMP adopted by CITY and approved by FEMA; and
- (b) Ensure the CITY is aware that the grant supporting this project requires the final deliverable to be a FEMA-approved NHMP, and that to achieve FEMA approval the CITY must consider, and is strongly encouraged to accept via resolution, the APA draft of the City of La Grande NHMP; and
- (c) Ensure CITY is aware that while documentation of cost share either in cash or in kind is not required for this specific grant, CITY is responsible for contributing significantly to the Project by providing staff time and other resources (such as copying, arranging meeting facilities and refreshments, etc.).

5. Responsibilities of Parties

(a) Responsibilities of DLCDC.

DLCDC will provide financial, administrative, and technical assistance to the Natural Hazards Mitigation Plan ("NHMP" or "Plan") Update project described in Exhibit A, Scope of Work, which is incorporated into and made part of this Agreement.

Specific DLCDC responsibilities include:

- i. Organizing, leading and managing the planning process;
- ii. Writing the Plan; and
- iii. Administering grant funds.

(b) Responsibilities of CITY.

- i. CITY will appoint a Steering Committee. Members and alternates must have or have been delegated decision-making authority on behalf of their jurisdictions or organizations for this Project. CITY will appoint one of its Steering Committee members to lead the project in partnership with DLCDC's Project Manager.
- ii. CITY Staff will recommend that CITY accept via resolution the APA draft of the La Grande NHMP.
- iii. Specific project responsibilities of the Project Lead include:

- A. Assisting DLCD with organizing, leading, and managing the planning process;
 - B. Providing community profile data;
 - C. Providing GIS services;
 - D. Shepherding the plan through the public adoption process;
 - E. Carrying out other responsibilities enumerated in Section 5(b)(iv);
 - F. Performing any other Project work assigned by Exhibit A: Scope of Work.
- iv. Specific project responsibilities of the Steering Committee members and CITY Project Lead include:
- A. Attending and actively participating in Steering Committee meetings;
 - B. Providing data and information;
 - C. Engaging with internal and external stakeholders;
 - D. Executing the Project's public engagement program;
 - E. Shepherding the plan through their jurisdictions' respective public adoption processes; and
 - F. Performing any other Project work assigned by Exhibit A: Scope of Work.

6. Compensation and Costs

Each Party shall assume its own costs of carrying out the tasks and responsibilities assigned to it under this Agreement.

FEMA does not permit DLCD to sub-grant funds to local or tribal governments. Therefore, DLCD will use the grant funds to provide consulting and technical assistance to the CITY to complete the update.

While documentation of cost share either in cash or in kind is not required for this specific grant, CITY is responsible for contributing significantly to the Project by providing staff time and other resources (such as copying, printing, mailing, meeting facilities and refreshments, etc.).

7. Project Contacts

The designees named below shall be the contacts for all the work and services to be performed under this Agreement. A Party may designate a new contact by written notice to the other Parties.

DLCD Project Contact:

Cynthia Smidt, Natural Hazards Planner
Oregon Department of Land Conservation and Development
635 Capitol ST NE, Suite 150
Salem, OR 97301
(503) 804-0902
cynthia.smidt@dlcd.state.or.us

City of La Grande Project Contact:

Kyle Carpenter, Public Works Director
800 X Avenue
La Grande, OR 97850
(541) 962-1325
KCarpenter@cityoflagrande.org

8. Termination

- (a) This Agreement may be terminated at any time by mutual written agreement of the Parties.
- (b) This Agreement may be terminated by either Party with 30 days advance written notice.

9. Non-Discrimination

In carrying out activities under this Agreement, no Party shall discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, national origin, disability, marital status, veteran status, disability or age. CITY shall take affirmative actions to ensure that applicants for employment are employed and that employees are treated during employment, without regard to their race, color religion, sex, sexual orientation, national origin, disability, marital status, veteran status, disability or age. Such action shall include but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

10. Non-Appropriation

DLCD's obligation to perform its duties under this Agreement is conditioned upon DLCD receiving funding, appropriations, limitations, allotments, or other expenditure authority sufficient to allow DLCD, in the exercise of its reasonable administrative discretion, to meet its obligations under this Agreement. Nothing in this Agreement may be construed as permitting any violation of Article XI, Section 7 of the Oregon Constitution or any law limiting the activities, liabilities or monetary obligations of DLCD.

11. Representations and Warranties

The CITY represents and warrants that the making and performance by the CITY of this Agreement:

- (a) Have been duly authorized by the CITY;
- (b) Do not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board, or other administrative agency or any provision of the CITY's charters or other organizational documents; and

- (c) Do not and will not result in the breach of or constitute a default or require any consent under any other agreement or instrument to which the CITY is party or by which the CITY may be bound or affected.

No authorization, consent, license, approval of, or filing or registration with or notification to any governmental body or regulatory or supervisory authority is required with or notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by the CITY of this Agreement, other than those that have already been obtained.

12. Records

Parties and their duly authorized representatives shall have access to the books, documents, and records which are directly pertinent to Agreement for the purpose of making audit, examination, excerpts, and transcript. This does not require either Party to provide documents that are legally privileged or otherwise exempt from disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478.

13. Contribution

If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 (a “Third Party Claim”) against a Party (the “Notified Party”) with respect to which the other Parties (the “Other Parties”) may have liability, the Notified Party shall promptly notify the Other Party in writing of the Third Party Claim and deliver to the Other Party, along with the written notice, a copy of the claim, process and all legal pleadings with respect to the Third Party Claim that have been received by the Notified Party. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by the Other Parties of the notice and copies required in this Section and a meaningful opportunity for the Other Parties to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to the Other Parties’ contribution obligation under this Agreement with respect to the Third Party Claim.

With respect to a Third Party Claim for which DLCD is jointly liable with the Notified Party (or would be if joined in the Third Party Claim), DLCD shall contribute to the amount of expenses (including attorney fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by the Notified Party in such proportion as is appropriate to reflect the relative fault of DLCD on the one hand and of the Notified Party on the other hand in connection with the events that resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of DLCD on the one hand and of the Notified Party on the other hand shall be determined by reference to, among other things, the Parties’ relative intent, knowledge, access to information, and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. DLCD’s contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if the State had sole liability in the proceeding.

With respect to a Third Party Claim for which a Party is jointly liable with DLCD (or would be if joined in the Third Party Claim), the Other Party or Parties shall contribute to the amount of expenses (including attorney fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by DLCD in such proportion as is appropriate to reflect the relative fault of the Other Party or Parties on the one hand and of DLCD on the other hand in connection with the events that resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of the Other Party or Parties on the one hand and of DLCD on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. The Other Party's or Parties' contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if it had sole liability in the proceeding.

14. Subcontracting and Assignment

The CITY acknowledges that DLCD intends to hire contractors to perform tasks and responsibilities related to the deliverables listed in the Scope of Work, Exhibit A to this Agreement. The CITY shall not enter into any subcontract for any other work listed under this Agreement without written consent of DLCD.

15. Governing Law, Consent to Jurisdiction

This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively "Claim") between DLCD or any other agency or department of the State of Oregon, or both, and the CITY that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon; provided, however, if a Claim must, as mandated by federal law, be brought in a federal forum, then unless otherwise prohibited by law it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this Section be construed as a waiver by any Party of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, to or from any Claim or from the jurisdiction of any court.

16. Indemnification

Except as provided in Section 13 of this Agreement, each Party shall defend, save, hold harmless, and indemnify the other Party and the other Party's agencies, subdivisions, officers, directors, employees and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever (Claims), including attorney fees, resulting from, arising out of, or relating to the acts or omissions of the indemnifying Party's officers, employees, or agents under this Agreement. Any indemnity by DLCD under this Section shall be subject to the limitations of Article XI, Section 7 of the Oregon Constitution and the Oregon Tort Claims Act, 30.260 to 30.300.

Any indemnity by the CITY shall be subject to the limitations of Article XI, Section 12 of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 to 30.300.

17. Insurance

Each Party shall be responsible for providing workers' compensation insurance as required by law for its covered workers. Neither Party shall be required to provide or show proof of self-insurance, workers' compensation or any other insurance coverage.

18. Severability

If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid. In such event, the Parties intend that the conflict not invalidate the other provisions of this Agreement and the Parties shall negotiate in good faith to agree on replacement language for the offending term or provision that will be consistent with the purposes of this Agreement.

19. Compliance With Law

In connection with their activities under this Agreement, the Parties shall comply with all applicable federal, state and local law.

20. Force Majeure

Neither Party shall be held responsible for delay or default caused by fire, riot, acts of God, and war which are beyond its reasonable control. The affected Party shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon cessation of the cause, diligently pursue performance of its obligations under this Agreement.

21. No Third Party Beneficiary

DLCD and the CITY are the only Parties to this Agreement and are the only Parties entitled to enforce its terms. Nothing contained in Agreement gives or shall be construed to give or provide any benefit, direct, indirect, or otherwise, to third parties. The Contractors retained by DLCDC are expressly excluded as parties or beneficiaries to this Agreement and are barred from enforcing the terms of this Agreement.

22. Merger, Waiver and Modification

This Agreement and all exhibits and attachments, if any, constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver or

consent under this Agreement binds either Party unless in writing and signed by both Parties. Such waiver or consent, if made, is effective only in the specific instance and for the specific purpose given. EACH PARTY, BY SIGNATURE OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT IT HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

23. Amendments

The terms of this Agreement may not be altered, modified, supplemented or otherwise amended, except by written agreement of the Parties. Any amendment to this Agreement shall require the signatures of the approving authorities of both Parties.

24. Acknowledgment of Funds and Copyright

(a) Acknowledgment of Funds.

Both Parties shall acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

(b) Copyright.

Both Parties must affix the applicable copyright notices of 17 USC Section 401 or 402 and an acknowledgment of Government sponsorship (including sub-grant number) to any work first produced under a federal award unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations). For any scientific, technical, or other copyright work based on or containing data first produced under this Agreement, including those works published in academic, technical or professional journals, symposia proceedings, or similar works, Parties grant the Government a royalty-free, nonexclusive and irrevocable license to reproduce, display, distribute copies, perform, disseminate, or prepare derivative works, and to authorize others to do so, for Government purposes in all such copyrighted works.

25. Survival

All provisions concerning the limitation of liability, indemnity, and conflicts of interest shall survive the termination of this Agreement for any cause.

26. Interpretation

The Parties agree that the provisions of this Agreement shall not be construed in favor of or against any Party based on the source of its drafting or any other circumstances.

27. Counterparts

This Agreement may be executed in several counterparts, all of which when taken together shall constitute one agreement, notwithstanding that both Parties are not signatories to the same counterpart. Each copy of the Agreement so executed constitutes an original.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the dates set forth below.

CITY OF LA GRANDE

APPROVED AS TO FORM:

Robert A. Strobe, City Manager

Wyatt Baum, City Attorney

Date

Date

DEPARTMENT OF LAND CONSERVATION
AND DEVELOPMENT

Brenda G. Bateman, Director

Date

EXHIBIT A

Natural Hazards Mitigation Plan (NHMP) Update for:

City of La Grande, Oregon

Scope of Work

PROJECT DESCRIPTION

The purpose of this Scope of Work (SOW) is to review and update the City of La Grande, Oregon's NHMP such that it is adopted by the City of La Grande (CITY) and ultimately approved by the Federal Emergency Management Agency (FEMA).

The Oregon Department of Land Conservation and Development (DLCD) and CITY will lead the NHMP update process in partnership. DLCD and JURISDICTIONS will participate and execute responsibilities and tasks as set forth in this SOW.

This project is funded by a FEMA Hazard Mitigation Grant Program (HMGP) mitigation planning grant. This grant must culminate in an NHMP that is adopted by CITY and approved by FEMA. Therefore, CITY agrees not only to consider but also to adopt the NHMP that FEMA has agreed to approve.

The planning process will be open and transparent. All meetings will be duly advertised and open to the public. Each Steering Committee (SC) agenda will include time for public input.

PHASE 1: ORGANIZE

Purpose

The purpose of Phase 1 is to organize and develop content for project initiation.

Task 1: Prepare a Draft Intergovernmental Agreement (IGA)

The purpose of the IGA is to formalize a working relationship between DLCD and CITY to execute an update of the La Grande NHMP; and ensure that CITY provides cost share and documents its cost share contribution as required.

DELIVERABLES

DLCD 1. Draft IGA for review by CITY

Target Date: March 2023

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Task 2: Prepare a Draft Scope of Work (SOW)

DLCD will draft a SOW intended to produce an NHMP meeting the requirements of the Code of Federal Regulations, Title 44, Part 201.6 (44 CFR 201.6) and therefore approvable by FEMA.

DELIVERABLES

DLCD 1. Draft SOW

Target Date: March 2023

Task 3: Develop a Project Schedule

DLCD will develop a project schedule setting target dates for SC meetings, public engagement opportunities, public review and comment periods, state and federal review processes, and local adoption proceedings.

A minimum of two opportunities for the public to comment will be included, one to review the Draft Risk Assessment and one to review at least the Draft Mitigation Strategy and Plan Maintenance Process, and as circumstances warrant potentially the entire Draft NHMP. Both opportunities will be offered prior to finalizing the plan for approval by City Council. While only these two opportunities are required, providing as many opportunities as possible is encouraged, as greater public participation benefits the community and strengthens the NHMP.

“The public” is understood to include – but not be limited to – citizens and residents, neighboring communities, local and regional agencies involved in hazard mitigation activities; agencies that have the authority to regulate development, businesses, academia, and other private and non-profit interests.

DELIVERABLES

DLCD 1. Draft Project Schedule

Target Date: March 2023

Task 4 Coordinate with CITY

The following tasks will be accomplished collaboratively by DLCDC and CITY for review and agreement by the SC at its organizational meeting (Task 6).

Meet remotely or in person with CITY and:

- A. Discuss the Intergovernmental Agreement .
- B. Discuss the Scope of Work and revise as necessary or appropriate.
- C. Discuss the current NHMP’s strengths and opportunities for improvement and recommend a strategy for addressing them.
- D. Determine the scope of the update.
- E. Discuss the Draft Project Schedule (Task 3, Deliverable 1) and revise as necessary or appropriate;

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- F. Discuss *Table 1: Allocation of Basic Responsibilities and Tasks* and revise as necessary or appropriate. These basic responsibilities and tasks will be performed throughout the duration of the project in addition to other others described and deliverables assigned in Tasks 1 through 16.
- G. Determine the method for and roles of DLCD and CITY in inviting special districts, tribes and other stakeholders to participate in the planning process.
- H. Designate SC members and alternates. **SC members and alternates must have or have been delegated authority to make decisions and act on behalf of their jurisdictions, departments or organizations for the purposes of this project;**
- I. Draft a list of stakeholders, technical advisors, and other interested parties.
 - a. The list must include at a minimum representatives of the following sectors: (a) Emergency Management; (b) Economic Development; (c) Land Use and Development; (d) Housing; (e) Health and Social Services; (f) Infrastructure (including transportation and other community lifelines); and (g) Natural and Cultural Resources.
 - i. Community lifelines include: (a) Safety and Security; (b) Food, Water, and Shelter; (c) Health and Medical; (d) Energy; (e) Communications; (f) Transportation; and (g) Hazardous Material.
 - b. Local dam owners and/or the Oregon Dam Safety Program.
 - c. Representatives of each of the following must be invited to participate in the planning process: (a) Local and regional agencies involved in hazard mitigation activities; (b) Agencies that have the authority to regulate development; (c) Neighboring communities; (d) Representatives of businesses, academia, and other private organizations; (e) Representatives of non-profit organizations, including community-based organizations, that work directly with and/or provide support to underserved communities and socially vulnerable populations, among others.

Determine how to engage them in the planning process (e.g., Steering Committee, Technical Advisory Committee, one-to-one discussions, focus groups, etc.) and the roles of DLCD and CITY in inviting their participation. Identify and employ methods to overcome barriers and support meaningful engagement for all.
- J. Prepare a draft Public Engagement Program for SC discussion and finalization.
- K. Develop a Communication Protocol to ensure clear and effective communication.

Table 1: ALLOCATION of BASIC RESPONSIBILITIES and TASKS

Responsibility/Task	DLCD	CITY
Steering and Technical Advisory Committee Meetings		
• Prepare and distribute agenda 7 days prior to meetings via email. If a SC or TAC member does not have access to email, JURISDICTIONS will ensure the member receives a hard copy 5 days prior to meetings.	X	Assist
• Prepare handouts. If appropriate, distribute handouts 7 days prior to meetings via email. If a SC or TAC member does not have access to email, CITY will ensure the member receives a hard copy 5 days prior to meetings.	X	Assist
• Provide language for public notice of meetings if requested.	X	Assist
• Lead and facilitate meetings.	X	Assist

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Responsibility/Task	DLCD	CITY
• Prepare and distribute meeting notes.	X	
• Engage with local internal and external stakeholders about the project and bring their input back to the committee discussions.		X
Public Engagement Program		
• Execute Public Engagement Program.	Assist	X
• Lead public engagement meetings and events.	Assist	X
• Facilitate public engagement meetings and events.	X	Assist
• Provide public notice of meetings and events through a variety of means.	Assist	X
• Shepherd NHMP through Planning Commission, Board and Council work sessions and adoption process.	Assist	X
Plan Development		
• Gather hazard and vulnerability data, existing plans, studies, reports, and technical information.	X	X
• Provide information on climate change and its influence on hazards.	X	
• Provide GIS services.	Assist	X
• Provide assessor data.		X
• Provide other data and information.	Assist	X
• Analyze data.	X	Assist
• Write plan sections.	X	Assist
• Review plan sections.	X	X
• Edit plan sections.	X	Assist
• Finalize plan.	X	
Administrative Functions		
• Publish notice of meetings and events 7-10 days prior to date of occurrence.		X
• Print agenda, sign-in sheet and handouts for meetings. DLCD will print color and 11x17 handouts only if the CITY does not have capability and no commercial printer with capability is reasonably available.	Assist	X
• Develop and maintain during the update and after completion an interactive project web page and link to that page on the CITY's home page.		X
• Establish and maintain a listserv, email service, or dedicated email address accessible on the project web page for communication with the public (e.g., distribute news, receive comments).		X
• Jurisdictions without web access will commit to other methods for ensuring the project information is made available to the public in a timely manner.		X
• Track and accurately report cost-share in the required format at least quarterly by the deadline set by DLCD.	Assist	X
• Document the planning process by keeping copies of all agendas, sign-in sheets, notices, publications, web page updates, etc. for inclusion in the updated NHMP.	X	X
• Monitor and adjust project schedule.	X	Assist
• Handle Logistics (space reservations, supplies, copies, audio/visual equipment, etc.) for Steering Committee meetings, public engagement meetings and events, etc. occurring in your jurisdiction.		X

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DELIVERABLES

- | | |
|------|--|
| DLCD | <ol style="list-style-type: none">1. Meeting notes memorializing decisions of Task 42. Revised Draft Scope of Work3. Revised NHMP Review and Strategy Memo4. Revised Project Schedule5. Revised Table 1: <i>ALLOCATION of BASIC RESPONSIBILITIES and TASKS</i>6. Draft Public Engagement Program7. Draft Communication Protocol8. Cost Share Documentation Forms and Instructions |
| CITY | <ol style="list-style-type: none">1. Draft Steering Committee Roster2. Initial Draft Stakeholder Roster |

Target Date: March 2023

Task 5 Invite and Confirm Participants

In accordance with the method and roles determined in Task 4, invite special districts, tribes, and other stakeholders to participate and appoint SC members and alternates. **Each members will serve as their department's, district's, tribe's, or organization's official contact for the project.** Confirm responses.

DELIVERABLES

- | | |
|------|--|
| CITY | <ol style="list-style-type: none">1. Final Roster of Steering Committee members and alternates2. Second Draft Stakeholder or TAC Roster |
|------|--|

Target Date: March – April 2023

Task 6 Hold Organizational SC Meeting

The purpose of this meeting is to finalize preparations for updating the NHMP during Phase 2. DLCD and CITY will explain the project background, purpose, and requirements and will discuss with the SC the project participant roles, responsibilities, and expectations.

DLCD and CITY will lead the SC through discussion of the deliverables of Tasks 4 and 5 and note any revisions.

The SC will review the IGA and SOW and establish a date by which CITY will sign.

CITY will identify a person responsible for cost share tracking and reporting.

CITY will identify a person responsible for developing and maintaining an up-to-date project website or otherwise ensuring that project information is made available to the community in a timely manner.

DELIVERABLES

- DLCD
1. Final Scope of Work
 2. Final Project Schedule
 3. Final SC Roster
 4. Final Stakeholder or TAC Roster
 5. Final Table 1, Allocation of Basic Responsibilities and Tasks
 6. Final Communication Protocol
 7. Final Public Engagement Plan
 8. Cost Share Documentation Forms and Instructions

Target Date: March – April 2023

- SC
1. Person responsible for cost share tracking and reporting for each
 2. Person responsible for developing and maintaining and up-to-date project website or otherwise ensuring project information is made available to the public in a timely manner for each jurisdiction
 3. Signed IGA

Target Date: March – April 2023

PHASE 2: UPDATE THE CITY OF LA GRANDE NHMP

Purpose

The purpose of Phase 2 is to update the current City of La Grande NHMP such that it meets the requirements of 44 CFR 201.6 and is therefore approvable by FEMA.

Task 7 Review and Update the Risk Assessment

DLCD will lead the SC in reviewing and updating the risk assessment. The updated risk assessment will, to the extent data is available:

- A. Describe the type, location, and extent (intensity) of each of the natural hazards to which it is subject and how they may be influenced by climate change. This includes the natural hazards in the existing NHMP and any additional natural hazards added during this NHMP update. High Hazard Potential Dams (HHPDs) must be included and treated

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as a natural hazard. Information shared by the Oregon Dam Safety Program and/or local dam owners must be described. If there is no risk to any JURISDICTION from HHPDs, as statement explaining the lack of risk must be included.

- B. Identify previous occurrences of each hazard with an emphasis on significant events. At a minimum, this includes any state and federal major disaster declarations for the planning area since the last update.
- C. Assess probability of future occurrence of each hazard, including the effects of future conditions, including climate change, on the type, location and range of anticipated intensities of identified hazards.
- D. Describe the geographic (political and physical), social, economic, cultural and historic characteristics, land use, and development trends,
- E. Describe changes in development that have occurred in hazard-prone areas and how they have increased or decreased vulnerability since approval of the previous plan. "Changes in development" means recent development, potential development, or conditions that may affect the risks and vulnerabilities of the jurisdictions, or shifts in the needs of underserved communities or gaps in social equity. It may also include changes in local policies, standards, codes, regulations, land use regulations and other conditions.
- F. Identify estimated numbers and types of NFIP-insured structures that have sustained repetitive flood damages.
- G. Assess and describe the potential impacts on the JURISDICTIONS and identified assets including the effects of climate change, changes in population patterns, and changes in land use and development. Assess potential dollar losses to buildings, repetitive flood loss structures, infrastructure, and critical facilities from each hazard.
- H. Assess vulnerability to each hazard. Describe the current and future assets (people, structures, systems, natural resources, cultural resources, historic resources, and activities that have value to the community), and others defined by the JURISDICTIONS within identified hazard-prone locations that are at risk from the impacts of the identified hazards.
- I. To the extent reasonable based on limitations of data and analysis, present findings and indicate mitigation priorities.

DELIVERABLES

- | | |
|------|---|
| SC | 1. Plans, studies, reports, technical data and information available for review and potential incorporation into the risk assessment |
| DLCD | 1. Estimated numbers and types of NFIP-insured structures in each jurisdiction including those having sustained repetitive losses and severe repetitive losses. If necessary, provide Routine Use Letter (Use O) to FEMA Region X to obtain additional information. |

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2. Coordinate and conduct group or individual meetings with cities, special districts, or tribes, if needed.

Target Date: March – May 2023

- CITY
1. Coordinate up to two SC meetings.
 2. Assist DLCD with coordinating and facilitating CITIES or DISTRICTS group meeting, if requested.

Target Dates: April – May 2023

- DLCD
1. Initial draft risk assessment for SC and public review

Target Dates: May-June 2023

Task 8 Public Review of Risk Assessment

DLCD will assist CITY in developing and executing at least one opportunity for the public to comment on the draft risk assessment. “The public” is understood to include – but not be limited to – citizens and residents, neighboring communities, local and regional agencies involved in hazard mitigation activities; agencies that have the authority to regulate development, businesses, academia, and other private and non-profit interests.

DELIVERABLES

- SC
1. At least one opportunity for public comment completed.

Target Date(s): June 2023

- DLCD
1. Draft comment matrix containing public comments and draft responses for SC review

Target Date: June 2023

- DLCD
1. Final comment and response matrix
 2. Second draft risk assessment incorporating public comments and final comment and response matrix

Target Date: June – July 2023

Task 9 Review and Update the Mitigation Strategy

DLCD will lead the SC in reviewing and updating the mitigation strategy. The mitigation strategy is the blueprint for reducing the potential losses and vulnerabilities identified through the risk assessment. The mitigation strategy sets mitigation goals; establishes and prioritizes mitigation actions for each jurisdiction; establishes an implementation strategy for accomplishing each action; analyzes the capabilities of CITY for carrying out its mitigation actions; and describes a

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process for integrating the content of the NHMP into other planning mechanisms. The Mitigation Strategy will:

- A. Establish mitigation goals consistent with the hazards identified in the risk assessment that explain what is to be achieved by implementing the mitigation strategy.
- B. Assess CITY mitigation capabilities. This must include a discussion of the existing building codes and land use and development ordinances or regulations and a description of the jurisdictions' abilities to expand on and improve their capabilities. The capability assessment provides a rationale for which mitigation projects can be undertaken.
- C. Describe and include required evidence of CITY participation in the NFIP and continued compliance with its requirements. Discuss CRS activities and issues raised during community assistance and monitoring activities.
- D. Document status (complete, ongoing, no longer relevant, included in updated plan) of mitigation actions in the current NHMP highlighting mitigation progress and successes.
- E. Identify and discuss any changes in mitigation priorities.
- F. Analyze a comprehensive range of potential mitigation actions that specifically address the vulnerabilities and impacts identified in the risk assessment. Revise and add new mitigation actions reflecting any changes in mitigation priorities and emphasizing new and existing buildings and infrastructure. Consider mitigation actions that benefit underserved communities and socially vulnerable populations. Mitigation actions must be clearly linked to the vulnerabilities and impacts identified in the risk assessment.
- G. Prioritize mitigation actions. Prioritization will include a general, qualitative cost/benefit assessment for mitigation projects.
- H. Establish an implementation strategy (responsible party, potential funding sources, expected time frames) for each mitigation action.

Deliverables

- SC
1. Information about participation in and continued compliance with NFIP
 2. Information for and participation in capability assessment
 3. Information about planning mechanisms and timeline for integration

Target Date: June – July 2023

- CITY
1. Coordinate up to three SC meetings for Tasks 10 and 11 together.

Target Dates: July – August 2023

- DLCD
1. Initial Draft Mitigation Strategy for SC, and public review

Target Dates: July 2023

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Task 10 Review and Update the Plan Maintenance Process

DLCD will assist CITY in reviewing the plan maintenance process and revising it as necessary. The Plan Maintenance Process will:

- A. Describe the method and schedule for monitoring (tracking mitigation actions), evaluating (assessing effectiveness of achieving the stated purpose), and updating (reviewing and revising the plan) the mitigation plan within a five-year cycle. Identify how, when, and by whom the plan will be monitored, evaluated, and updated.
- B. Describe how the jurisdictions will continue public participation during the plan maintenance process.
- C. Describe the CITY's processes for integrating the plan's data information and hazard mitigation goals and actions into other planning mechanisms. Identify the planning mechanisms in accordance with the capability assessment.
- D. When updating the plan, explain how the CITY has integrated information from the NHMP into other planning mechanisms.
- E. Describe how the plan was revised due to changes in priorities.

DELIVERABLES

- DLCD
1. Initial Draft Plan Maintenance Process for SC review
 2. Second Draft Plan Maintenance Process incorporating SC comments for public review

Target Date(s): July – August 2023

Task 11 Public Review of Mitigation Strategy and Plan Maintenance Process

DLCD will assist CITY in developing and executing at least one opportunity for the public to comment on at minimum the Draft Mitigation Strategy and Plan Maintenance Process, and as circumstances warrant potentially the entire Draft NHMP. Therefore, this task may occur at this point in the process or later, but not later than between Tasks 13 and 14.

“The public” is understood to include – but not be limited to – citizens and residents, neighboring communities, local and regional agencies involved in hazard mitigation activities; agencies that have the authority to regulate development, businesses, academia, and other private and non-profit interests.

DELIVERABLES

- SC
1. At least one opportunity for public comment completed.

Target Date(s): July – August 2023

- DLCD
1. Draft comment matrix containing public comments and draft responses for SC review

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Target Date: July – August 2023

- DLCD
1. Final comment and response matrix incorporating SC comments
 2. Second Draft Mitigation Strategy and Plan Maintenance Process incorporating public comments and final comment and response matrix

Target Date: August 2023

Task 12 Document the Planning Process

DLCD will assist CITY in documenting the planning process. Copies of agendas, sign-in sheets, notices, publications, web page updates, etc. will be included in the updated NHMP. The Planning Process chapter will:

- A. Describe how the plan was prepared, who was included and how they participated, how the public was involved, and the opportunity for all entities listed in Task 4, Item I to be involved in the planning process.
- B. Describe opportunities for public comment during drafting and prior to plan approval and how public feedback was included throughout the planning process.
- C. Describe how plans, studies, reports, technical data and information were incorporated (referenced or included). NFIP regulatory flood mapping products must be incorporated.
- D. Include documentation of the planning process.

DELIVERABLES

SC 1. Provide copies of web page updates, notices, publications, etc.

- DLCD
1. Initial Draft Planning Process chapter and documentation for SC review
 2. Second Draft Planning Process chapter incorporating SC comments

Target Date(s): February – December 2023

Task 13 Review and Update Remaining Chapters

DLCD will assist the SC in reviewing and updating any remaining chapters or sections of the current NHMP and deciding if there is anything more that needs to be drafted. These may include an Executive Summary, Introduction, lists of tables and figures, glossary, list of acronyms, appendices, etc.

DELIVERABLES

- DLCD
1. Initial draft of remaining chapters or sections for SC review
 2. Second draft of remaining chapters or sections incorporating SC comments

Target Date(s): August – September 2023

Task 14 Finalize Draft NHMP for State and Federal Review

DLCD will edit the entire document and add a cover, title page, acknowledgements, page numbers, FEMA funding credit, etc. to finalize the draft NHMP for the review and approval process. Pages will be reserved to insert documentation of the approval process: FEMA’s “Approvable Pending Adoption” letter; evidence of adoption by each jurisdiction; FEMA’s final approval letters; and FEMA’s final Local Mitigation Plan Review Tool.

DELIVERABLES

DLCD 1. Finalized Draft NHMP

Target Date: September 2023

PHASE 3: REVIEW AND APPROVAL PROCESS

Purpose

The purpose of Phase 3 is to ensure that all the necessary steps toward final FEMA approval are taken; the CITY adopts the updated NHMP without substantive changes; and FEMA approves the adopted NHMP.

This project is funded by a FEMA Hazard Mitigation Grant Program (HMGP) mitigation planning grant. This grant must culminate in an NHMP that is adopted by CITY and approved by FEMA. Therefore, CITY agrees not only to consider but also to adopt the NHMP that FEMA has agreed to approve.

If CITY requires a substantive change through its adoption process, the approval process will be restarted.

Task 15 Submit Draft NHMP for State and Federal Review

On behalf of CITY, DLCD will submit the Draft City of La Grande NHMP to the Oregon Department of Emergency Management (OEM) for review. OEM will review the draft NHMP and when it is FEMA-approvable will submit it to FEMA for formal review. DLCD, and CITY will make any necessary revisions with review by the SC and public as appropriate until FEMA issues its APA letter.

DELIVERABLES

DLCD 1. Submit finalized Draft NHMP with completed Local Mitigation Plan Review Tool to OEM.

2. Make any required changes in consultation with SC and resubmit until OEM and FEMA are satisfied that the draft NHMP is approvable as evidenced by receipt of FEMA’s APA letter.

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Target Date:	Submittal to OEM:	June – September 2023
	Required Changes Completed:	October 2023
	FEMA Review Completed:	December 2023
	APA Received:	December 2023

Task 16 Adopt Final Draft NHMP

JURISDICTIONS will arrange for the FEMA-approvable Final Draft City of La Grande NHMP to be considered for adoption by the City Council. Following adoption, CITY will submit the evidence of adoption (generally a signed resolution) to DLCD. DLCD will then submit the resolution to FEMA through OEM for final approval.

DELIVERABLES

- | | |
|------|--|
| SC | 1. Provide evidence of adoption to DLCD. |
| DLCD | 1. Submit evidence of adoption to OEM. |
| | 2. Insert approval process documents into plan. |
| | 3. Record effective date on cover. |
| | 4. Distribute FEMA-approved, finalized City of La Grande NHMP to SC members. |

Target Date:	Adoption Completed; Evidence to DLCD:	January 2024
	DLCD Submit Evidence to OEM:	January 2024
	FEMA Final Approval Received:	January 2024
	Final Distribution:	February 2024

BUDGET

No funds will be exchanged. DLCD will use HMGP-PF-FM -5327 grant funds and state funds to execute its tasks. JURISDICTIONS will use their own funds to execute their responsibilities and tasks.

COST SHARE

HMGP grants require a 25% cost share. In general, CITY commits to providing cash, in-kind, or a combination of both as their portion of the required 25% cost share. **Federal funds are not allowable as cost share.** The cost share for this specific grant, this one time only, will be provided by the State of Oregon with funds appropriated under House Bill 5006 (2021). Therefore, City of La Grande has no responsibility for providing any portion of the 25% cost share for this specific NHMP update.

CITY of LA GRANDE
COUNCIL ACTION FORM

Council Meeting Date: **April 5, 2023**

PRESENTER: Robert A. Strobe, City Manager

COUNCIL ACTION: CONSIDER RATIFYING COLLECTIVE BARGAINING AGREEMENT FOR EMPLOYEES' ASSOCIATION

- 1. MAYOR: Request Staff Report
- 2. MAYOR: Invite Public Comments
- 3. MAYOR: Entertain Motion

Suggested Motion: I move that we accept and that the City Manager be authorized to execute the three-year Collective Bargaining Agreement between the City of La Grande and the City of La Grande Employees' Association as presented.

- 4. MAYOR: Invite Council Discussion
- 5. MAYOR: Ask for the Vote

EXPLANATION: Earlier this year, labor negotiations commenced with the collective bargaining teams for the three bargaining groups. The City Council was kept apprised of the progress of negotiations in Executive Session. As of this writing, the City and the Employees Association bargaining teams have reached Tentative Agreement on a new Collective Bargaining Agreement (CBA). As of this writing, the members of the Employees Association have met to vote on ratification of the new agreement but it is anticipated they will have voted prior to April 5, 2023. The final step in the process after ratification by the union is approval by the City Council. In anticipation of an affirmative ratification vote, this item is being placed on the Agenda.

City Manager Strobe and members of the staff will entertain Council questions in connection with the proposed Agreement during an Executive Session, after which the Council will be asked to reconvene to Regular Session for the purpose of voting on the agreement.

If approved, the new Collective Bargaining Agreement (CBA) shall become effective June 21, 2023, and will expire on June 20, 2026. The most significant change in the agreement is related to the implementation of a new pay structure which was developed following a compensation study and an analysis of all positions in the City to assure compliance with Oregon's Equal Pay Act.

As a point of information, negotiations with the Fire Fighters Association are ongoing but tentative agreement has not been reached. The first bargaining session with Police is scheduled for April 10, 2023. An update on progress will be provided during the Executive Session.

The City Manager recommends City Council approval of the new Agreement.

Reviewed By: (Initial)

City Manager _____

City Recorder _____

Aquatics Division _____

Building Department _____

ED Department _____

Finance _____

Fire Department _____

Human Resources Dept _____

Library _____

Parks Department _____

Planning Department _____

Police Department _____

Public Works Department _____

COUNCIL ACTION (Office Use Only)

- Motion Passed
- Motion Failed; _____
- Action Tabled: _____
Vote: _____
- Resolution Passed # _____
Effective Date: _____
- Ordinance Adopted # _____
First Reading: _____
Second Reading: _____
Effective Date: _____